IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT P. BENYAMINI,

Plaintiff, No. CIV S-09-2323 FCD DAD P

vs.

T. FORSTHY, et al.,

Defendants. ORDER

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On May 25, 2010, plaintiff filed a request for reconsideration of the magistrate judge's order filed April 29, 2010, dismissing his complaint and ordering plaintiff to file an amended complaint. Pursuant to E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

Therefore, IT IS HEREBY ORDERED that:

1. Upon reconsideration, the order of the magistrate judge filed April 29, 2010, is affirmed; and

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2. Within fifteen days from the service of this order, plaintiff shall file his amended complaint as set forth in the April 29, 2010 order.

DATED: June 25, 2010.

FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE