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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATTIE A. COXEY,

Plaintiff,

No. CIV S-09-2530 GEB EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

_____/

On October 19, 2009, the undersigned issued findings and recommendations herein which recommended that plaintiff's application to proceed in this action *in forma pauperis* be denied. Dckt. No. 4. On October 30, 2009, before the time for objecting to the findings and recommendations had expired, plaintiff paid the filing fee. The undersigned will construe that payment as a withdrawal of plaintiff's *in forma pauperis* application and will therefore vacate the October 19, 2009 findings and recommendations as moot.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis*, Dckt. No. 2, is deemed withdrawn; and

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2. The October 19, 2009 findings and recommendations, Dckt. No. 4, are vacated as moot.

SO ORDERED.

DATED: December 15, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE