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

ERNEST MILLER,

No. 2:09-cv-03403-MCE-GGH-P

Plaintiff,

v.

ORDER

EDMUND G. BROWN, JR., et al.,

Defendants.

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On January 28, 2010, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days.

1 Plaintiff has filed objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed January 28, 2010,
10 are adopted in full;

11 2. Plaintiff is barred from proceeding in forma pauperis in
12 this action under the
13 three strikes provision of 28 U.S.C. § 1915(g);

14 3. Plaintiff, within 21 days of the date of this order,
15 must pay the \$350.00 filing fee in full; upon the expiration of
16 that period, should plaintiff fail to do so, this action will be
17 dismissed with prejudice; and

18 4. Plaintiff's defective motions for preliminary injunctive
19 relief, filed on January
20 14, 2010 (docket # 7), and on January 21, 2010 (docket # 8), are
21 denied.

22 Dated: February 25, 2010



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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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