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

CORINNA DUNLAP,

Plaintiff,

No. CIV S-09-3446 GEB EFB

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

ORDER

Defendant.

\_\_\_\_\_/

On December 30, 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. Plaintiff did not file objections to the findings and recommendations. Instead, on January 20, 2010, before the findings and recommendations had been adopted, 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 December 30, 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 No. 2, is deemed withdrawn; and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 December 30, 2009 findings and recommendations, Dckt. No. 4, are vacated as moot.

SO ORDERED.

DATED: January 21, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE