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

ERNEST MILLER,

Plaintiff,

No. CIV S-10-1605 GEB DAD P

vs.

B. STOWELL, et al.,

Defendants.

ORDER

_____ /

On July 22, 2010, plaintiff filed a document styled, "Notice of Motion Objections By Plaintiff," which the court construes as a request for reconsideration of the magistrate judge's order filed July 8, 2010. In that order, the magistrate judge found plaintiff ineligible to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g) and ordered plaintiff to pay the \$350.00 filing fee. 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.

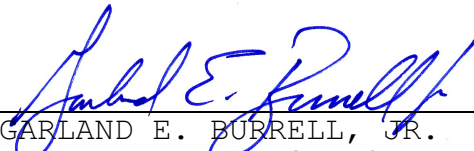
Therefore, IT IS HEREBY ORDERED that:

- 1. Upon reconsideration, the order of the magistrate judge filed July 8, 2010, is affirmed; and

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1 2. Within fifteen days from the service of this order, plaintiff shall pay the
2 \$350.00 filing fee. Failure to pay the filing fee will result in the dismissal of this action without
3 prejudice.

4 Dated: August 11, 2010

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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