

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TIMOTHY WATTS,
Plaintiff, No. CIV S-10-2688 GEB CMK (TEMP) P
vs.
C/O FLORY, et al.,
Defendants. ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983.

On December 8, 2010, the magistrate judge recommended that the action be dismissed because plaintiff had failed to keep the court apprised of his new address. On January 3, 2011, plaintiff filed objections which contained his new address.

On November 18, 2010, the magistrate judge then assigned to this case found that plaintiff had not made an adequate showing of indigency in his affidavit in support of his application to proceed in forma pauperis under 28 U.S.C. § 1915(a). See Docket No. 5. Plaintiff must therefore pay the \$350.00 filing fee in order to proceed with this action.

/////
/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS THEREFORE ORDERED that:

1. The findings and recommendations filed December 8, 2010 are hereby vacated.
2. The motion to proceed in forma pauperis (Docket No. 2) is denied.
3. Plaintiff has twenty-one days from the entry of this order in which to pay the filing required to proceed with this action.

DATED: January 13, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

hm
watt2vf&r