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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIQUE DIAZ,
Plaintiff,
v.
ASSOCIATE WARDEN HURLEY, et al.,
Defendants.

No. 2:15-cv-2083 GEB KJN P

ORDER

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 Rule 302.

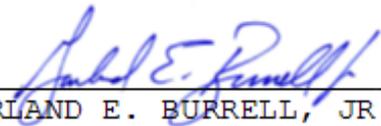
On October 30, 2017, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that the findings and recommendations filed October 30, 2017, are adopted in full and:

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- 1 1. Defendants' motion to revoke plaintiff's in forma pauperis status, and to dismiss the
- 2 complaint (ECF No. 22), is granted;
- 3 2. Plaintiff's in forma pauperis status (ECF No. 6) is revoked;
- 4 3. Plaintiff is ordered to pay the \$400.00 filing fee within twenty-one days from the date
- 5 of this order. Failure to timely pay the filing fee will result in the dismissal of this action;
- 6 4. Plaintiff's complaint is dismissed; and
- 7 5. Thirty days from the date plaintiff pays the filing fee in full, plaintiff shall file an
- 8 amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules
- 9 of Civil Procedure, and the Local Rules of Practice. The amended complaint must also bear the
- 10 docket number assigned to this case and must be labeled "Amended Complaint." Failure to file an
- 11 amended complaint in accordance with this order will result in the dismissal of this action.

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13 Dated: November 21, 2017

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17 GARIAND E. BURRELL, JR.
18 Senior United States District Judge
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