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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIGUE DIAZ,  
Plaintiff,  
v.  
ASSOCIATE WARDEN HULEY, 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. Plaintiff has filed objections to the findings and recommendations.

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

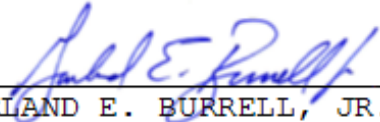
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 30, 2017, are adopted in full;
2. Defendants’ motion to revoke plaintiff’s in forma pauperis status, and to dismiss the complaint (ECF No. 22), is granted;
3. Plaintiff’s in forma pauperis status (ECF No. 6) is revoked;
4. Plaintiff is ordered to pay the \$400.00 filing fee within twenty-one days from the date the district court adopts the instant findings and recommendations. Failure to timely pay the filing fee will result in the dismissal of this action;
5. Plaintiff’s complaint is dismissed; and
6. Thirty days from the date plaintiff pays the filing fee in full, plaintiff shall file an amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must also bear the docket number assigned to this case and must be labeled “Amended Complaint.” Failure to file an amended complaint in accordance with this order will result in the dismissal of this action.

Dated: January 23, 2018

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