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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON LAMONT STRIBLING,
Plaintiff,
v.
J. LEWIS,
Defendant.

No. 2:18-cv-0951-KJM-EFB 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 11, 2018, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 11, 2018, are adopted in full;
2. Plaintiff's belated objections (ECF No. 9) are construed as a motion for reconsideration of the June 14, 2018 order (ECF No. 7), and so construed, the motion is GRANTED;
3. The June 14, 2018 order denying plaintiff's application for leave to proceed in forma pauperis (ECF No. 7) is VACATED; and
4. The matter is referred back to the magistrate judge for further pretrial proceedings.

DATED: December 17, 2018.


UNITED STATES DISTRICT JUDGE