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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FELISES BURTON,
Plaintiff,

2:09-CV-00074-PMP-LRL

vs.

ORDER

PREFERRED PROPERTIES, et al.,
Defendants.

Before the Court for consideration is Plaintiff Burton's Application to Proceed *In Forma Pauperis* and a Complaint (Doc. #2), filed on January 12, 2009. On December 15, 2009, the Honorable Lawrence R. Leavitt United States Magistrate Judge, entered a Report and Recommendation (Doc. #3) recommending that Plaintiff's Application to Proceed *In Forma Pauperis* and Complaint (Doc. #2) be dismissed with prejudice for failure to adequately amend the Complaint by February 16, 2009.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that Magistrate Judge Leavitt's Report and Recommendation should be Affirmed.

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1 **IT IS THEREFORE ORDERED** that Plaintiff's Application to Proceed
2 *In Forma Pauperis* and Complaint (Doc. #2) is hereby **DISMISSED** with prejudice for
3 failure to state a cognizable claim.

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5 DATED: December 28, 2009.

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PHILIP M. PRO
9 United States District Judge
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