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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD D. YORK,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

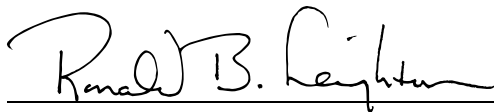
No. C09-5513 RBL/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the report and recommendation, Petitioner's application to proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- (1) the Magistrate Judge's report and recommendation is approved and adopted;
- (2) Petitioner's application to proceed *in forma pauperis* is **DENIED**;
- (3) Petitioner shall pay the required filing fee [\$5.00] to the Clerk of the Court within thirty (30) days of the date of this Order and shall amend his Petition to correctly name his custodian as Respondent, otherwise this action will be dismissed; and
- (4) the Clerk is directed to send copies of this Order to Petitioner and any other party that has appeared in this action.

DATED this 23rd day of October, 2009.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE