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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Dwight A. Staten,	)	No. CV 1-06-0631-DCB P
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Arthur Calderon, et al.,	)	
Defendants.	)	

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Plaintiff’s Motion to Alter and Stay Judgment Entered on 1/28/09 has been considered by the Court and is found without merit. Plaintiff is bound to the Order entered 1/29/2009 and should comply or this action will be dismissed without further notice.

**IT IS ORDERED** that the Motion (Doc. No. 11) is DENIED.

**IT IS FURTHER ORDERED:**

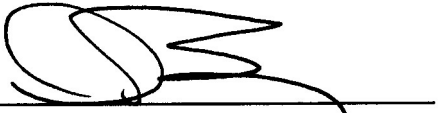
(1) Plaintiff is granted 60 days from the filing date of the Order entered 1/29/09 in which to discover by subpoena or otherwise the identity of Defendant Officers “S” and “E,” and to file a “notice of substitution” providing each Defendant’s name in place of Officer “S” and Officer “E.”

(2) The Clerk of Court must issue two subpoenas in blank and send them to Plaintiff.

(3) **If Plaintiff fails to file a “notice of substitution” of parties within 60 days of the date of filing of the Order dated 1/29/09, the Clerk of Court must, without further**

1 **notice, enter a judgment of dismissal of this action without prejudice. See Fed. R. Civ.**  
2 **P. 41(b).**

3 DATED this 18<sup>th</sup> day of February, 2009.

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8 David C. Bury  
9 United States District Judge  
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