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

LEROY DEWITT HUNTER,

1:07-cv-00373-LJO-GSA-PC

Plaintiff,

ORDER VACATING FINDINGS
AND RECOMMENDATIONS OF
OCTOBER 29, 2009
(Doc. 23.)

vs.

YOUNGBLOOD, et al.,

ORDER PROVIDING PLAINTIFF
ANOTHER OPPORTUNITY TO COMPLY
WITH THE COURT'S ORDER

Defendants.

ORDER FOR CLERK TO SEND
PLAINTIFF ANOTHER COPY OF THE
COURT'S ORDER OF SEPTEMBER 3,
2009, AND THE SERVICE DOCUMENTS
FOR PLAINTIFF TO COMPLETE AND
RETURN TO THE COURT
(Doc. 19.)

_____ /

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On October 29, 2009, the court issued findings and recommendations to dismiss plaintiff's case for failure to comply with the court's order of September 3, 2009, which ordered plaintiff to complete service documents and submit them to the court. (Doc. 23.) On November 17, 2009, plaintiff filed objections to the findings and recommendations, expressing bewilderment why the court would recommend dismissal of this action and why the court has not proceeded with service. (Doc. 24.) It appears to the court from plaintiff's

1 objections that plaintiff did not receive the court's order requiring him to return the service
2 documents. Therefore, good cause appearing, plaintiff shall be provided another
3 opportunity to comply with the court's order. The court shall vacate the findings and
4 recommendations and send plaintiff another copy of the court's order along with the service
5 documents.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations of October 29, 2009, are VACATED;
- 8 2. Plaintiff shall be provided another opportunity to comply with the court's
9 order of September 3, 2009; and
- 10 3. The Clerk is DIRECTED to send to Plaintiff another copy of the court's
11 order of September 3, 2009 (Doc. 19.), along with the service documents for
12 plaintiff to complete and return to the court.

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14 IT IS SO ORDERED.

15 **Dated: January 4, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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