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

DONALD W. HATCHER,

Plaintiff,

vs.

MADERA COUNTY JAIL, et al.,

Defendants.

1:07-cv-00803-AWI-SMS-PC

ORDER VACATING FINDINGS
AND RECOMMENDATIONS OF
JULY 10, 2009
(Doc. 19.)

ORDER GRANTING EXTENSION OF
TIME TO COMPLY WITH COURT'S
MAY 15, 2009 ORDER
(Doc. 18.)

THIRTY DAY DEADLINE

_____ /

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On July 10, 2009, the undersigned issued findings and recommendations to dismiss this action for plaintiff's failure to obey the court's May 15, 2009 order requiring him to either file an amended complaint or notify the court of his willingness to proceed with the claims found cognizable by the court. (Doc. 18.) On July 21, 2009, plaintiff filed objections to the findings and recommendations, explaining that he has been moved from cell to cell to cell at Kern Valley State Prison and has been receiving his mail late as a result. (Doc. 20.) In light of Plaintiff's apparent need for an extension of time to comply with the court's May 15, 2009 order, the court shall vacate the findings and recommendations and grant plaintiff an extension of time. In the future, if plaintiff requires an extension of time, he should file a motion with the court *before* the expiration of the deadline he needs to extend.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations of July 10, 2009 are VACATED;
2. Plaintiff is granted an extension of time to comply with the court's order of May 15, 2009;
3. Within thirty days from the date of service of this order, Plaintiff shall either file an amended complaint, or in the alternative, notify the court in writing that he does not wish to file an amended complaint and is willing to proceed on the claims found cognizable by the court in the May 15, 2009 order; and
4. Plaintiff's failure to comply with this order shall result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: August 20, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE