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

Michael Lenoir Smith,)	No. CV 1-07-1547-SRB
Plaintiff,)	ORDER
vs.)	
Schwarzenegger, et al.,)	
Defendants.)	

In a October 25, 2010 Order (Doc. 35), the Court gave Plaintiff 30 days to complete and return to the Clerk of Court a Notice of Submission of Documents and submit with the Notice a copy of the Third Amended Complaint, a copy of the Court’s October 25, 2010 Order, a completed summons for each Defendant, and a completed USM-285 for each Defendant. The Court warned Plaintiff as follows:

If Plaintiff fails to return the Notice of Submission of Documents and the required documents within 30 days of the date of filing of this Order, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action without prejudice.

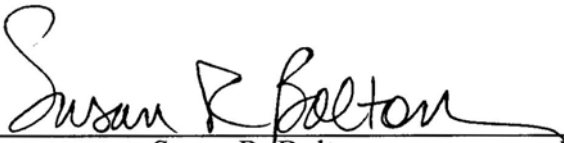
On December 21, 2010, the Court dismissed this action because Plaintiff had not returned the Notice of Submission of Documents within the 30-day deadline (Doc. 36). The Clerk of Court entered Judgment on December 21, 2010 (Doc. 37). Plaintiff then filed a “Motion for Stay” in which he requested an extension of time to file the Notice of Submission of Documents. In a December 28, 2010 Order, the Court denied the “Motion for Stay.” On January 10, 2011, six weeks after the November 29, 2010 filing deadline and 20 days after

1 the Judgment of dismissal was entered, Plaintiff filed the Notice of Submission of
2 Documents. This case is closed and therefore the Court will not forward the Notice of
3 Submission of Documents to the United States Marshal.

4 **IT IS ORDERED** that the Clerk of Court **must not** forward Plaintiff's January 10,
5 2011 Notice of Submission of Documents to the United States Marshal. This case **must**
6 **remain closed.**

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DATED this 14th day of February, 2011.



Susan R. Bolton
United States District Judge