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

Phillip Rosenblum,	)	No. CV 1-08-0448-SMM
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Mule Creek State Prison Medical Staff, et	)	
al.,	)	
Defendants.	)	

Before the Court is Plaintiff’s Motion for Modification of Scheduling Order, filed May 18, 2010 (Doc. 50). To date, Defendants have not filed a response. However, in examining Plaintiff’s motion, there is no certificate of service attached showing that a copy of the filing was served on counsel for Defendants. As a result, the Court will deny Plaintiff’s motion without prejudice to Plaintiff refile the document upon proper service on counsel for Defendants.

Plaintiff must serve Defendants, or counsel if an appearance has been entered, a copy of every document that he files. Fed. R. Civ. P. 5(a). Each filing must include a certificate stating that a copy of the filing was served. Fed. R. Civ. P. 5(d).

Accordingly,

**IT IS HEREBY ORDERED DENYING** Plaintiff’s Motion for Modification of Scheduling Order (Doc. 50) without prejudice. Plaintiff may re-file the motion upon proper service on counsel for Defendants.

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DATED this 14<sup>th</sup> day of June, 2010.

  
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Stephen M. McNamee  
United States District Judge