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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICOLAS DAVID ANDREAS,

Plaintiff,

v.

JAMES YATES, et al.,

Defendants.

CASE NO. 1:08-cv-01410-LJO-SMS PC

ORDER REQUIRING PLAINTIFF TO
COMPLY WITH COURT’S ORDER OF
JULY 30, 2009, WITHIN THIRTY DAYS
OR THIS ACTION WILL BE DISMISSED

(Doc. 19)

Plaintiff Nicolas David Andreas, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 8, 2008. On July 30, 2009, the Court ordered Plaintiff to either file a third amended complaint or notify the Court of his willingness to proceed only on his excessive force claim against Defendants Cruz, Rodriguez, Gonzales, Cabral, Clark, and Green within thirty days. 28 U.S.C. § 1915A. Plaintiff has not complied with the Court’s order, and on October 22, 2009, his appeal of the order was dismissed by the Ninth Circuit Court of Appeals for lack of jurisdiction.

Plaintiff has thirty (30) days from the date of service of this order within which to comply with the Court’s order of July 30, 2009, or this action will be dismissed.

IT IS SO ORDERED.

Dated: October 26, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE