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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS,

CASE NO. 1:09-cv-00463-OWW-SMS

Plaintiff,

ORDER REQUIRING PLAINTIFF TO NOTIFY WHICH COMPLAINT WAS HIS AMENDED COMPLAINT IN THIS ACTION

v.

RUSSELL YORK, et al.,

FIFTEEN DAY DEADLINE

Defendants.

_____/

Plaintiff Michael Eugene Hollis (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors. On April 1, 2011, Plaintiff’s first amended complaint was dismissed and Plaintiff was ordered to file an amended complaint in this action. (ECF No. 39.) On April 8, 2011, the Court directed Plaintiff to file his amended complaint, in compliance with Federal Rule of Civil Procedure 18(a), within thirty days. (ECF No. 40.) On June 7, 2011, findings and recommendations issued recommending this action be dismissed for Plaintiff’s failure to comply with the Court’s order. (ECF No. 41.) Plaintiff filed objections and an affidavit on June 20, 2011. (ECF Nos. 42, 43.)

In his objection, Plaintiff states that he mailed a complaint on May 6, 2011, and four complaints on May 9, 2011, which were received by the Court, and requests that this action not be dismissed. Plaintiff has included a copy of the cover page of each complaint. A review of the face sheets shows that none of the documents mailed to the court included a case number or were

1 identified as an amended complaint. When the documents were received by the Clerk's Office
2 nothing indicated that any of the complaints received were to be filed in a pending action and new
3 cases were opened for each complaint. Plaintiff is advised that when he submits a filing to the
4 Clerk's Office to be filed in a pending action he needs to write the case number and correct title on
5 the document.

6 Accordingly, it is HEREBY ORDERED that within fifteen days from the date of service of
7 this order, Plaintiff is to notify the Court, by case number, which of the complaints was to have been
8 filed in this action.

9 IT IS SO ORDERED.

10 **Dated:** June 23, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE