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

JOHNAE R. HOYT,
Plaintiff, No. CIV S-06-1795 LKK EFB P
vs.
C/O MANNING, et al.,
Defendants. ORDER

_____/

Plaintiff is a prisoner without counsel suing for alleged civil rights violations. See 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

By order filed May 15, 2007, the magistrate judge screened plaintiff's amended complaint and found service appropriate for 11 defendants. The court granted plaintiff extensions of time totaling 90 days in which to file his documents for service, however, plaintiff failed to submit the requested documents. Accordingly, the magistrate judge issued findings and recommendations on November 20, 2007, recommending dismissal.

Plaintiff subsequently requested an additional 90 days in which to comply with the court's order and submit documents for service. That request was denied in this court's February 25, 2008, order adopting the magistrate judge's findings and recommendations. Judgment was

1 entered the same day.

2 On March 12, 2008, plaintiff filed objections to this court's order, stating that he
3 never received a copy of the November 20, 2007 findings and recommendations, and described
4 other circumstances that had rendered litigation of this action difficult for him. On June 16,
5 2008, this court found that plaintiff had alleged facts suggesting that relief from judgment was
6 appropriate and vacated its February 25, 2008 order adopting the magistrate judge's findings and
7 recommendations. See Fed. R. Civ. P. 60(b). This court ordered plaintiff to, within 30 days
8 from the date of the order, complete and submit to the court the documents for service. The court
9 also warned plaintiff that his failure to comply with the terms of the order would result in
10 reinstatement of the magistrate judge's November 20, 2007, findings and recommendations and
11 this court's February 25, 2008, order adopting them.


12 The 30 days have passed and plaintiff has not submitted the requested documents
13 or otherwise responded to that order.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. The magistrate judge's November 20, 2007, findings and recommendations
16 and this court's February 25, 2008, order adopting them are reinstated; and

17 2. This action is dismissed without prejudice. See Fed. R. Civ. P. 41(b); Local
18 Rule 11-110.

19 DATED: January 27, 2009.

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22 LAWRENCE K. KARLTON
23 SENIOR JUDGE
24 UNITED STATES DISTRICT COURT
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