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

CHARLES GLENN NORMAN, JR.,

Petitioner,

No. CIV S-06-2235 MCE DAD P

vs.

JOHN DOVEY, et al.,

Respondents.

ORDER

_____ /

On January 29, 2009, the court dismissed petitioner’s second amended petition and granted him thirty days leave to file a third amended petition. On April 23, 2009, the court granted petitioner an additional thirty days leave to file a third amended petition. The thirty day period expired, but petitioner failed to file a third amended petition or otherwise respond to the court’s order. Accordingly, on June 10, 2009, the court issued findings and recommendations, recommending dismissal of this action. Petitioner has filed objections to the court’s findings and recommendations and requests an additional sixty days leave to file a third amended petition.

In the interest of justice, the court will grant petitioner a final sixty days leave to file a third amended petition. However, the court will not vacate its findings and

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1 recommendations at this time. If petitioner fails to file a timely third amended petition, the court
2 will forward its findings and recommendations to the assigned district judge.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's June 24, 2009 request for an extension of time (Doc. No. 28) is
5 granted; and

6 2. Within sixty days of the date of service of this order, petitioner shall file a third
7 amended petition. If petitioner fails to file a third amended petition, the court will forward the
8 findings and recommendations to the assigned district judge.

9 DATED: July 1, 2009.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

12 DAD:9
13 norm2235.amp(2)