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

MALIK JONES,

Plaintiff,

No. CIV S-08-0096 FCD EFB P

vs.

L. BETTI, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He was previously ordered to submit the materials necessary to effect service of process.¹ His requests for additional time to comply with the order were granted, first in an order filed October 1, 2008, and again in an order filed November 18, 2008. Plaintiff responded with a request for reconsideration filed on December 4, 2008, which blamed prison staff for plaintiff's failure to comply with the earlier orders. He also filed a motion for sanctions. Since the filing of those motions, and after several more attempts at compliance, plaintiff succeeded in submitting the materials. In turn, defendants have since waived service of process and have appeared in this

¹ The court screened the complaint and on September 5, 2008, found that plaintiff stated cognizable claims against several defendants. Accordingly, the court directed plaintiff to submit a summons, USM forms and copies of the complaint necessary to notify the defendants of the commencement of this action.

1 action by way of counsel's request for an extension of time to file a response to the complaint on
2 behalf of the defendants. Accordingly, plaintiff motion for reconsideration, which seeks to
3 explain his initial inability to provide the materials necessary to serve process on the defendants,
4 is now moot. Therefore, the motions are denied.

5 Accordingly, it is ORDERED that:

- 6 1. Plaintiff's December 4, 2008, motion for reconsideration is denied; and,
- 7 2. Plaintiff's December 31, 2008, motion for sanctions is denied.

8 Dated: September 3, 2009.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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