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

WAYNE WRIGHT,

Plaintiff,

No. CIV S-08-0267 MCE GGH P

vs.

McGUINNESS, et al.,

Defendant.

ORDER

_____ /

On December 17, 2008, the court recommended that this action be dismissed. On January 5, 2009, plaintiff filed objections to the findings and recommendations. For the following reasons, the findings and recommendations are vacated.

On April 16, 2008, the court dismissed plaintiff's complaint with thirty days to file an amended complaint. This order was returned unserved. However, on May 2, 2008, plaintiff filed a notice of change of address. On June 11, 2008, the April 16, 2008, order was re-served at plaintiff on his new address. On September 8, 2008, plaintiff filed another notice of change of address. The April 16, 2008, order was re-served on plaintiff at this new address. When thirty days passed and plaintiff did not file an amended complaint, the court recommended that this action be dismissed.

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1 In his January 5, 2009, objections, plaintiff states that he did not receive the April
2 16, 2008, order. Plaintiff states that the findings and recommendations were served on a family
3 member who then forwarded them to him. Plaintiff is informed that his most recent address of
4 record was, apparently, that of his family member.

5 The April 16, 2008, order was served on plaintiff on his address of record three
6 times and returned unserved only once. Nevertheless, the court will vacate the findings and
7 recommendations and order the April 16, 2008, order served on plaintiff at his current address.

8 On January 5, 2009, plaintiff filed a letter requesting that the court send him a
9 copy of his complaint. Plaintiff is informed that the Clerks's Office does not provide copies of
10 documents to parties. Copies of documents may be obtained from Attorney's Diversified
11 Services (ADS): 1424 21st Street, Sacramento, CA 95814. Their phone number is 916-441-
12 4396. The court will provide copies of the docket sheet at \$0.50 per page. Checks in the exact
13 amount are made payable to "Clerk, USDC." In forma pauperis status does not include the cost
14 of copies.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The December 17, 2008, findings and recommendations are vacated;
- 17 2. Plaintiff is granted thirty days from the date of this order to file an amended
18 complaint;
- 19 3. The Clerk of the Court is directed to re-serve plaintiff with the orders filed
20 April 16, 2008, nos. 9 and 10.

21 DATED: January 14, 2009

22 /s/ Gregory G. Hollows

23

UNITED STATES MAGISTRATE JUDGE

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