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

JAMES OLIVER,

Petitioner,

No. CIV S-08-2524 GGH P

vs.

R.K. WONG, Warden, et al.,

Respondents.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. By Order, filed on April 29, 2009, the court ordered service on defendant S. Scott and directed the Clerk of the Court to send plaintiff the appropriate forms. Plaintiff returned the forms to the court for defendant S. Scott. Before the court is plaintiff's motion change the name of the defendant from S. Scott to Scott Chesser, as it appears plaintiff had provided the incorrect name.

As plaintiff requests to substitute an entirely different name, plaintiff must submit a first amended complaint describing the allegations against defendant Scott Chesser.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to substitute defendants' name is denied.
2. Plaintiff's amended complaint, filed February 9, 2009, is dismissed and

1 plaintiff is granted leave to file a first amended complaint within thirty days of service of this
2 order, describing the allegations against Scott Chesser.

3 3. The court's June 10, 2009, order directing service on S. Scott is vacated.

4 DATED: August 21, 2009

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/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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