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

ARCHIE A. MARTINEZ,

No. 2:09-cv-0680-KJM-CMK-P

Plaintiff,

vs.

ORDER

G. HOOVER, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for additional time (Doc. 89).

On August 5, 2016, the court directed plaintiff to file a status report within 20 days, which plaintiff failed to do. As a result, the undersigned issued findings and recommendations that this action be dismissed for failure to prosecute. In light of plaintiff's request for additional time, the court will vacate the findings and recommendations and allow plaintiff a short amount of time to file his status report.

However, the court notes that plaintiff is utilizing the assistance of a fellow inmate. Plaintiff is cautioned that the filings in this case are his responsibility and if he receives assistance from someone else, he is still responsible for making any all requests to the court. The

1 court will not entertain requests or filings which are filed on his behalf without plaintiff's  
2 participation and signature. See Local Rule 131(b); Fed. R. Civ. P. 11.

3 Plaintiff is further warned that failure to file a status report as previously ordered  
4 may result in the imposition of appropriate sanctions, including dismissal of the action or  
5 preclusion of issues or witnesses. See Local Rule 110.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations issued September 15, 2016 are  
8 vacated;
- 9 2. Plaintiff shall file a status report as previously ordered within 30 days of  
10 the date of this order; and
- 11 3. The Clerk of the Court is directed to send plaintiff a copy of the August 5,  
12 2016 order.

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14 DATED: October 7, 2016

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16 **CRAIG M. KELLISON**  
17 UNITED STATES MAGISTRATE JUDGE  
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