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

GARY R. XAVIER,

Plaintiff,

No. 2:09-cv-0783 LKK CKD P

vs.

M. FRENCH, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding with counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On December 19, 2012, the undersigned filed findings and a recommendation that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, as plaintiff failed to respond to an order to show cause. (Dkt. No. 42.) Plaintiff has filed objections to the findings and recommendations. (Dkt. No. 43.) These objections do not address why plaintiff failed to show cause within 30 days as required by the November 8, 2012 order. See Local Rule 110; Fed. R. Civ. P. 41(b).

However, in light of plaintiff’s objections, the court will vacate its recommendation of dismissal and grant plaintiff an additional 30 days to submit service documents for defendants. If plaintiff fails to do so, the undersigned will once again recommend dismissal of this action. No further extensions of time will be granted.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations dated December 19, 2012 (Dkt. No. 42), are VACATED;
2. The Clerk of Court shall send plaintiff two USM-285 forms, one summons, and an instruction sheet; and
3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:
  - a. The completed Notice of Submission of Documents;
  - b. One completed summons;
  - c. Two USM-285 forms; and
  - d. Three copies of the endorsed complaint filed September 1, 2011.

Dated: January 28, 2013

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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Plaintiff,

No. 2:09-cv-0783 LKK CKD P

vs.

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Defendants.

NOTICE OF SUBMISSION

OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_.

One completed summons

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the \_\_\_\_\_

Complaint/Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff