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

JEFFREY E. WALKER,

Plaintiff,

No. CIV S-09-0916 WBS DAD P

vs.

D. SILBUGH, et al.,

Defendants.

ORDER

_____ /

On January 11, 2010, the court filed findings and recommendations recommending that this action be dismissed for plaintiff's failure to file a second amended complaint pursuant to the court's November 16, 2009 order. Plaintiff has requested an extension of time to file his second amended complaint. The court will vacate the findings and recommendations. However, plaintiff is cautioned that he must comply with the court's deadlines. If plaintiff believes he cannot proceed with this action due to his current medical condition, he may request voluntary dismissal without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

1. The January 11, 2010 findings and recommendations (Doc. No. 15) are vacated;
2. Plaintiff's February 3, 2010 motion for an extension of time (Doc. No. 16) is granted; and

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3. Plaintiff is granted sixty days from the date of this order in which to file a second amended complaint.

DATED: February 8, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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