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

CHARLES CHATMAN,

Plaintiff,

No. CIV S-09-1028 JAM KJM P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

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Plaintiff is a state prison inmate proceeding pro se with a civil rights action. He has filed an unopposed motion to dismiss defendant Simpson from the action. This is well taken.

He has also filed a motion for the court to order CDCR officials to answer the complaint on behalf of defendant Patton, whom he has not been able to serve in this action or in another pending case, Civ. No. 06-2912 LKK EFB P. Plaintiff has attached a number of documents showing that he submitted a request under the public records act for Patton's address, but that it was denied. There is nothing in his motion suggesting that he has asked counsel for the defendants whether he would accept service on behalf of defendant Patton.

Finally, he has filed a motion for an extension of time in which to file an opposition to defendants' motion to dismiss.

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IT IS THEREFORE ORDERED that:

1. Plaintiff's motion to dismiss defendant Simpson from the action (docket no. 27) is granted;
2. Plaintiff's motion for court intervention (docket no. 30) is denied without prejudice;
3. Plaintiff's motion for an extension of time (Docket No. 31) is granted; and
4. Plaintiff is granted thirty days from the date of this order in which to file and serve an opposition to defendants' motion to dismiss. Defendants' reply, if any, shall be filed seven days thereafter.

DATED: June 3, 2010.

  
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U.S. MAGISTRATE JUDGE

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