

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

STEVEN JONES,

Plaintiff,

No. CIV S-09-1373 GGH P

vs.

CHRISTOPHER JENKINS, et al.,

Defendants.

ORDER

_____ /

By order filed on August 20, 2009, this prisoner civil rights action proceeding on plaintiff's claims of excessive force against the defendants was dismissed without prejudice for plaintiff's failure to respond to the court's order to complete and return the forms and documents required for service to be effected upon the defendants. However, it has very belatedly come to the court's attention that plaintiff had, in fact, apparently timely submitted the required documents for service, that is, in mail metered on June 22, 2009, in response to a June 10, 2009 order, but the prison failed to deliver the metered mail to the court until April 17, 2012.

Notwithstanding the fact that this action was dismissed on an erroneous premise, plaintiff failed to so notify the court in any subsequent filing or to otherwise seek to proceed in this case. Therefore, although more than two and half years have passed, plaintiff will now be directed to inform the court whether he would like the instant case to be re-opened and for this matter to proceed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Accordingly, IT IS HEREBY ORDERED that plaintiff inform this court within thirty days whether he wishes for his case to be re-opened, defendants to be served and this matter proceed.

DATED: April 20, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH:009
jone1373.ord