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

JOAQUIN N'GE WRIGHT,

Plaintiff,

No. CIV S-09-1513 EFB P

vs.

ANGUZZA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel and *in forma pauperis* in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

On February 22, 2010, the court found that the complaint stated a cognizable claim against defendant Anguzza. The court directed the Clerk to forward to plaintiff the forms required to effect service of process and plaintiff was directed to return them within thirty days. On March 29, 2010, after plaintiff failed to return the summons and copies of the complaint for the U.S. Marshal to effect service, the court ordered plaintiff to comply with the February 22, 2010 order or to explain his failure to do so within thirty days. The order warned plaintiff that failure to comply would result in dismissal.

1 The time for acting has passed and plaintiff has not submitted the materials necessary to
2 serve process, nor otherwise responded to the court's order.

3 Accordingly, the above-captioned is dismissed without prejudice.

4 DATED: May 11, 2010.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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