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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10   CLAY MORRISON,

11   Plaintiff,   No. CIV S-09-1544 DAD P

12   vs.

13   D. JUST, et al.,

14   Defendants.   ORDER

15   _____/

16   By order filed May 24, 2010, the court dismissed plaintiff's second amended

17   complaint and granted him thirty days leave to file a third amended complaint. The thirty day

18   period expired, and the court had not received plaintiff's third amended complaint or any other

19   response to the court's order. Accordingly, the court issued findings and recommendations,

20   recommending that this action be dismissed without prejudice. On July 7, 2010, the assigned

21   district judge adopted the findings and recommendations in full and closed this case.

22   It has recently come to the court's attention that, on or about June 19, 2010,

23   plaintiff attempted to file a third amended complaint and a motion for appointment of counsel.

24   Prison officials at CSP-Sacramento metered plaintiff's legal mail at that time but failed to send it

25   to the court until April 11, 2012. Plaintiff's third amended complaint and a motion for

26   appointment of counsel were therefore not received by the court until April 17, 2012. Under

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1 these circumstances, the court will direct plaintiff to notify the court within twenty-one days if he

2 still wishes to pursue this civil action. If he wishes to proceed with this case, the court will re-

3 open this action, screen plaintiff's third amended complaint, and rule on his motion for

4 appointment of counsel. If plaintiff no longer wishes to proceed with this case, he is not required

5 to take any further action. If the court does not hear from plaintiff within twenty-one days, the

6 case will remain closed.

7   Accordingly, IT IS HEREBY ORDERED that plaintiff is directed to notify the

8 court within twenty-one days if he still wishes to pursue this civil action.

9 DATED: April 23, 2012.

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DALE A. DROZD

12 DAD:9
UNITED STATES MAGISTRATE JUDGE

morr1544.mail

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