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

MIKE L. PARMENTER,
Plaintiff,

No. CIV S-09-1664-CMK-P

vs.

ORDER

DEPARTMENT OF CORRECTIONS,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action.

On April 22, 2010, the court ordered plaintiff to show cause why this case should not be dismissed for his failure to file an amended complaint within the time provided. Plaintiff has responded to the order to show cause, which will be discharged. Plaintiff indicates in his response that he has been attempting to obtain information from his medical records regarding who his treating physician was. He has not yet been successful. Plaintiff will therefore be

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1 provided additional time to file his amended complaint.¹ However, Plaintiff is again warned that
2 failure to file an amended complaint may result in dismissal of this action for lack of prosecution
3 and failure to comply with court rules and orders. See Local Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The April 22, 2010, order to show cause is discharged;
- 6 2. Plaintiff shall file an amended complaint within 45 days of the date of this
7 order.

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9 DATED: May 6, 2010

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE

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25 ¹ Plaintiff indicates he has attempted to obtain his medical records from New
26 Folsom State Prison. However, he is now housed at Atascadero State Hospital. Plaintiff may
have more success in obtaining a copy of his records from his current institution.