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

RICHARD L. ISGRIGG,

Plaintiff,

No. CIV S-09-1905 GEB GGH P

vs.

R. HEYNIE, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On April 5, 2010, the undersigned issued findings and recommendations that this case be dismissed for plaintiff's failure to complete and return to the court, within twenty-eight days, the USM-285 forms necessary to effect service on defendants pursuant to the court's January 19, 2010 order.

Plaintiff filed objections stating that he was unable to submit the forms due to severe mental problems that required him being rehoused without his legal materials. However, plaintiff states that he received his legal material on April 12, 2010. Therefore the court will vacate the findings and recommendations and will provide plaintiff 14 days from the date of service of this order to submit the proper forms as outlined in the court's January 19, 2010 order.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 5, 2010, are vacated; and
2. Plaintiff is granted 14 days from the date of service of this order to submit the USM-285 forms necessary to effect service on defendants.

DATED: June 4, 2010

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
isgr1905.vac