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

10 ROBERT P. BENYAMINI,

11 Plaintiff,

No. CIV S-09-2453 EFB P

12 vs.

13 M. FORSYTHE, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. On February 25, 2010, the court directed plaintiff to, within 30 days, submit
18 documents for service of process pursuant to Rule 4 of the Federal Rules of Civil Procedure, or
19 alternatively, file an amended complaint. Dckt. No. 7. The 30 days passed, and plaintiff did not
20 comply with or otherwise respond to the court's order. Therefore, on April 12, 2010, the court
21 ordered plaintiff to, within 21 days, either explain his failure to comply with the February 25,
22 2010 order, or to comply with the order. Dckt. No. 12. The court warned plaintiff that failure to
23 comply with the order would result in a recommendation that this action be dismissed. *Id.* Since
24 then, plaintiff has requested a stay/extension of time to comply the court's order, leave to file an
25 amended complaint, and a request that the court order officials at California Medical Facility to
26 release a video of plaintiff being extracted from his cell. Dckt. Nos. 13-16.

1 The court will grant plaintiff an additional 30 days to comply with the February 25, 2010
2 order. As the February 25, 2010 order granted plaintiff leave to file an amended complaint,
3 plaintiff's request for leave to amend is denied as unnecessary. Additionally, as no defendants
4 have been served in this action, discovery has not commenced. If the court issues a discovery
5 and scheduling order, plaintiff may request the referenced videotape from defendants. At this
6 time, plaintiff's request to the court is premature.

7 Accordingly, it is hereby ORDERED that:

8 1. The Clerk of the Court is directed to terminate docket numbers 13, 14, 15 and 16.

9 2. The Clerk of the Court is directed to re-serve on plaintiff the court's February 25,
10 2010 order, docket number 7, along with one summons, seven USM-285 forms, an instruction
11 sheet and a copy of the September 1, 2009 complaint.

12 3. Plaintiff has 30 days to comply with the February 25, 2010 order. Failure to so
13 comply will result in a recommendation that this action be dismissed.

14 Dated: August 30, 2010.

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16 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE