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

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2462 DAD P

vs.

J.D. HARRIS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's May 25, 2010 motion to stay this action.

BACKGROUND

On April 22, 2010, the court ordered that service of plaintiff's amended complaint was appropriate for defendants J.D. Harris, O'Brian, Edwards, Hightman, G. Demars, Cox, and Nguyen. Accordingly, the court ordered plaintiff to, within thirty days of the date of the court's order, complete and submit to the court: (1) one completed Notice of Submission of Documents; (2) one completed summons; (3) seven completed USM-285 forms; and (4) eight true and exact copies of the amended complaint dated March 23, 2010. (See Doc. No. 17.)

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1 **CONCLUSION**

2 In accordance with the above, IT IS HEREBY ORDERED that:

3 1. Plaintiff's May 25, 2010 motion to stay this case (Doc. No. 18) is denied; and

4 2. Within thirty days from the date of this order, plaintiff shall complete and

5 submit the following documents to the court:

6 a. The completed Notice of Submission of Documents;

7 b. One completed summons;

8 c. Seven completed USM-285 forms; and

9 d. Eight copies of the endorsed amended complaint filed March 23, 2010.

10 Plaintiff is cautioned that should he fail to complete and submit these documents, the court will
11 recommend that this action be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b). The
12 court reminds plaintiff that he filed this action and has a duty to diligently prosecute this case in
13 good faith.

14 DATED: June 28, 2010.

15 
16 _____
17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

18 DAD:sj
19 beny2462.stay