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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT P. BENYAMINI,

NO. CIV. S-09-2602 LKK/GGH P

Plaintiff,

v.

O R D E R

MENDOZA, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On April 19, 2010, the magistrate judge denied plaintiff's request to appoint counsel. In a motion docketed on May 18, 2010, plaintiff moved for reconsideration of this order. In an order signed on June 24, 2010 and filed the following day, this court denied plaintiff's motion for reconsideration as untimely.

Plaintiff now timely moves for reconsideration of the latter order. Plaintiff argues that he filed his motion for


1 reconsideration on May 2, 2010, and that the May 18, 2010 date
2 appearing on the docket sheet is incorrect. Crediting plaintiff's
3 assertion as true, this motion was filed within the fourteen day
4 period required by Local Rule 303(b). The court has therefore
5 reviewed the magistrate judge's order denying plaintiff's request
6 for appointment of counsel on the merits. The court nonetheless
7 affirms.

8 Plaintiff alternatively asks that the court stay this matter
9 until plaintiff is no longer involuntarily medicated. Plaintiff
10 contends that this medication limits his ability to effectively
11 litigate this case. Although the court will not grant an
12 indeterminate stay, the court will grant a limited stay. No later
13 than ninety days from the date of this order, plaintiff shall
14 inform the court whether he remains medicated and whether he wishes
15 to prolong the stay. The court notes that in an order filed July
16 2, 2010, the court granted plaintiff twenty-eight days to file an
17 amended complaint. The court will extend that period as well, such
18 that the amended complaint, if any, shall be filed no later than
19 ninety days from the date of this order. All other proceedings in
20 this matter are stayed for this ninety day period.

21 IT IS SO ORDERED.

22 DATED: July 26, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT