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

DEREK J. BLOODWORTH,

Plaintiff,

No. CIV S-09-3351 WBS KJM P

vs.

M. HAMILTON,

Defendant.

ORDER

_____ /

Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 9, 2010, the undersigned filed findings and recommendations herein, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed objections to the findings and recommendations.

The court recommended that this action be dismissed because plaintiff had failed to submit the documents required to perfect service on the defendant. See Findings and Recommendations (Docket No. 13). Plaintiff has now submitted an explanation for his delay, under penalty of perjury, and the court accepts the explanation as true. Good cause appearing,

1 the court will vacate its recommendation that this case be dismissed and allow plaintiff time to
2 proceed.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed September 9, 2010, are vacated; and
5 2. Plaintiff has an additional sixty days from the entry of this order in which to
6 perfect service on defendant Hamilton.

7 DATED: December 3, 2010.

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10 U.S. MAGISTRATE JUDGE
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