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

JOHN CLINT DRAPER,

Plaintiff,

No. CIV S-10-0032 FCD EFB P

vs.

D. ROSARIO, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 15, 2010, the court found that plaintiff's complaint stated a cognizable claim as to defendants Rosario, Flowers, Roger and Rallos. The order found that plaintiff had failed to state a cognizable claim as to the remaining defendants and dismissed them with leave to amend. Plaintiff was directed to submit the documents to effect service of the complaint on Rosario, Flowers, Roger and Rallos or an amended complaint within thirty days.

The thirty-day period has passed and plaintiff has failed to submit the documents necessary for service of his original complaint, to file an amended complaint or otherwise respond to the October 15, 2010 order.

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1 Accordingly, the court hereby ORDERS that plaintiff submit either (1) the documents
2 necessary to effect service on defendants Rosario, Flowers, Roger and Rallos or (2) an amended
3 complaint in compliance with the court's October 15 order. Failure to comply will result in a
4 recommendation that this action be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

5 DATED: January 4, 2011.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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