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

10 JOHN CLINT DRAPER,

11 Plaintiff,

No. CIV S-10-0032 KJM EFB P

12 vs.

13 D. ROSARIO, 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 October 15, 2010, the court found that service was appropriate for defendants
18 Flowers, Rallos, E. Rogers, and D. Rosario, and ordered plaintiff to either submit service
19 documents or an amended complaint within 30 days. Plaintiff did not do so. On January 4,
20 2011, the court again ordered plaintiff to either submit service documents or an amended
21 complaint. Plaintiff did not do so. Finally, on March 15, 2011, the undersigned recommended
22 that this action be dismissed for failure to prosecute.

23 On March 28, 2011, plaintiff filed objections to the findings and recommendations,
24 stating that he sent the service documents to the United States Court of Appeals. He also states
25 that he has recently been transferred to Soledad Prison and that he believes that the Department
26 of Corrections may be interfering with the delivery of his legal mail. It appears that plaintiff

1 wishes to prosecute this action. As he states that he attempted to send in the service documents,
2 it appears that he wishes to serve the defendants against whom he has stated a claim. Plaintiff is
3 advised that he must return the service documents to this court, and not to the United States
4 Court of Appeals.

5 Accordingly, it is ORDERED that:

- 6 1. The March 15, 2011 findings and recommendations are vacated; and
- 7 2. With this order the Clerk of the Court shall provide to plaintiff a blank summons, a
8 copy of the pleading filed January 5, 2010, four USM-285 forms and instructions for service of
9 process on defendants D. Rosario, Flowers, E. Rogers, and Dr. Rallos. Within 30 days of the date
10 of this order plaintiff must return the attached Notice of Submission of Documents with the
11 completed summons, the completed USM-285 forms, and five copies of the January 5, 2010
12 complaint. The court will transmit them to the United States Marshal for service of process
13 pursuant to Fed. R. Civ. P. 4.

14 Dated: April 5, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION OF DOCUMENTS

14 _____/

15 In accordance with the court's order filed _____, plaintiff hereby
16 submits the following documents:

17 1 completed summons form

18 4 completed forms USM-285

19 5 copies of the January 5, 2010 Complaint

20 Dated:
21

22 _____
23 Plaintiff
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