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

HON LAU,

No. CIV S-10-0549-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA NATIONAL
GUARD, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. To date, plaintiff has not yet resolved the fee status for this case. Currently pending before the court are plaintiff's applications for relief from default (Docs. 16 and 17). In these applications, plaintiff asks the court to relieve him of any default resulting for failure to resolve fees.

A review of the docket reflects that, while plaintiff has not complied with various court orders to resolve fees, and while an order to show cause for dismissal is outstanding, the date for plaintiff to either respond to the order to show cause or resolve fees has not yet passed. The order to show cause was originally issued on September 3, 2010, but was re-served on

1 September 23, 2010, pursuant to a notice of change of address. Therefore, plaintiff has until
2 October 23, 2010, to respond to the order to show cause. Plaintiff may adequately respond by
3 resolving the fee status for this case. Failure to do either may result in dismissal for lack of
4 prosecution. In the meantime, plaintiff's applications for relief from default (Docs. 16 and 17)
5 are denied as unnecessary.

6 IT IS SO ORDERED.

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8 DATED: September 30, 2010

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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