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

8 ROY FAIRWELL,

9 Plaintiff,

No. CIV S-10-1064 FCD GGH P

10 vs.

11 M. CATES, et al.,

12 Defendants.

ORDER

13 _____/
14 Plaintiff is a state prisoner proceeding pro se. He seeks relief pursuant to 42
15 U.S.C. § 1983. On August 2, 2010, plaintiff's complaint was dismissed with leave to amend.
16 On September 3, 2010, and October 6, 2010, plaintiff's requests for an extension to file an
17 amended complaint were granted.

18 On October 28, 2010, plaintiff filed a motion to stay or to dismiss this case
19 without prejudice. The court notes that no appearance has been made by any defendant.
20 Pursuant to Fed. R. Civ. P. 41(a), the action is dismissed.

21 Accordingly, the Clerk of Court shall close this case.

22 DATED: November 16, 2010

23 /s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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