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

MICHAEL L. OVERTON,

Plaintiff,

No. 2:11-cv-1646 LKK JFM (PC)

vs.

WARDEN, CMF VACAVILLE,

Defendant.

ORDER

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By order filed July 29, 2011, plaintiff was granted thirty days in which to file a complaint. In addition, plaintiff was granted thirty days in which to either file an application to proceed in forma pauperis or to pay the \$350.00 filing fee for this action. The thirty day period expired without plaintiff filing an amended complaint or an in forma pauperis application or paying the filing fee, or otherwise responding to the court's order. For that reason, on September 13, 2011, this court issued findings and recommendations recommending that this action be dismissed without prejudice.

On September 22, 2011, plaintiff filed objections to the findings and recommendations. Plaintiff asserts that the prison law library was closed during the period from

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1 July 20, 2011 to August 14, 2011. Plaintiff requests an opportunity to comply with the July 29,  
2 2011 order, which he still has not done.<sup>1</sup>

3 Good cause appearing, the findings and recommendations will be vacated, and  
4 plaintiff will be given one additional period in which to comply with the July 29, 2011 order.  
5 The court does not intend to extend this deadline.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's September 8, 2011 motion is denied;
- 8 2. The findings and recommendations filed September 13, 2011 are vacated;
- 9 3. Plaintiff is granted one final period of thirty days from October 10, 2011 in  
10 which to comply with this court's July 29, 2011 order; and
- 11 4. The Clerk of the Court is directed to send plaintiff a copy of the July 29, 2011  
12 order with service of this order.

13 DATED: October 11, 2011.

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16 UNITED STATES MAGISTRATE JUDGE

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25 <sup>1</sup> On September 8, 2011, plaintiff filed a document styled as a motion for a summons and  
26 complaint. The court will not make any orders for service of process unless and until plaintiff  
complies with the July 29, 2011 order, and unless until plaintiff files a complaint that contains  
one or more cognizable claims for relief. Plaintiff's September 8, 2011 motion will be denied.