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

MAURICE R. POLK,

Plaintiff,

No. 2:11-cv-2842 LKK JFM (PC)

vs.

C/O R. BESENAIZ, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By an order filed December 23, 2011, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 forms necessary to effect service on defendants. That thirty day period expired and plaintiff neither complied with the order nor requested an extension of time to do so. For that reason, on February 23, 2012, this court issued findings and recommendations recommending that this action be dismissed without prejudice.

See Fed. R. Civ. P. 41(b).

On March 1, 2012, plaintiff filed a motion for extension of time to file objections to the findings and recommendations. Therein, plaintiff avers that he delivered the required forms to prison officials for mailing on January 13, 2012, and that he is pursuing administrative remedies within the prison to determine what happened to the forms.

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed February 23, 2012 are vacated;

3 2. The Clerk of the Court shall send plaintiff a copy of the court's December 23,  
4 2011 order, two USM-285 forms, one summons, an instruction sheet and a copy of the complaint  
5 filed October 27, 2011.

6 3. Within thirty days from the date of this order, plaintiff shall complete the  
7 attached Notice of Submission of Documents and submit the following documents to the court:

8 a. The completed Notice of Submission of Documents;

9 b. One completed summons;

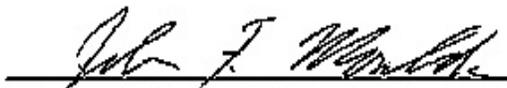
10 c. One completed USM-285 form for whom the court determined in the  
11 December 23, 2011 order that service was appropriate; and

12 d. Three copies of the endorsed complaint filed October 27, 2011.

13 4. Plaintiff need not attempt service on defendants and need not request waiver of  
14 service. Upon receipt of the above-described documents, the court will direct the United States  
15 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
16 without payment of costs.

17 5. Plaintiff's March 1, 2012 motion for extension of time is denied as  
18 unnecessary.

19 DATED: March 9, 2012.

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22 UNITED STATES MAGISTRATE JUDGE

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24 polk2842.vac

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Plaintiff,

No. 2:11-cv-2842 LKK JFM (PC)

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C/O R. BESENAIZ, et al.,

Defendants.

NOTICE OF SUBMISSION  
OF DOCUMENTS

\_\_\_\_\_ /

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the \_\_\_\_\_  
Complaint

DATED:

\_\_\_\_\_  
Plaintiff