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

RUDYARROCHA,

Plaintiff,

No. 2: 11-cv-2959 KJN P

vs.

E. SAUCEDA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 31, 2012, the undersigned dismissed plaintiff’s second amended complaint with leave to file a third amended complaint within thirty days. The undersigned further ordered that if plaintiff did not file a third amended complaint within that time, this action would proceed on the colorable claims contained in the first amended complaint. Thirty days passed and plaintiff did not file a third amended complaint. Accordingly, on July 20, 2012, the undersigned ordered service of the colorable claims contained in the first amended complaint.

On August 20, 2012, plaintiff filed a “motion for relief from judgment.” In this motion, plaintiff alleges that he did not receive the May 31, 2012 order. Plaintiff requests an opportunity to file a third amended complaint. Good cause appearing, plaintiff is granted an

1 opportunity to file a third amended complaint.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's motion for relief from judgment (Dkt. No. 28), construed as a
4 request to vacate the July 20, 2012 order, is granted;

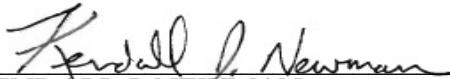
5 2. Plaintiff is granted thirty days to file a third amended complaint;

6 3. The Clerk of the Court is directed to re-serve plaintiff with the May 31, 2012
7 order (Dkt. No. 25).

8 DATED: August 23, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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