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

KENNETH E. CAPOGRECO,

Plaintiff,

No. 2:11-cv-3218 EFB P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations pursuant to 42 U.S.C. § 1983. On April 17, 2012, the court dismissed plaintiff’s complaint for failure to state a cognizable claim and for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. Dckt. No. 8. After plaintiff failed to respond to that order, the undersigned recommended that this action be dismissed for failure to prosecute and failure to state a claim. Dckt. No. 11. On June 14, 2012, plaintiff objected to the findings and recommendations and stated that he had never received the court’s April 17, 2012 order. Dckt. No. 13. The Clerk of the Court has re-served the April 17, 2012 order on plaintiff. The court will hold the findings and recommendations in abeyance for a period of thirty days.

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1 If plaintiff fails to comply with the April 17, 2012 order within thirty days, the June 6,
2 2012 findings and recommendations for dismissal will be submitted to the district judge.

3 So ordered.

4 DATED: June 25, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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