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

EDDIE L. PITTS,

No. 2:12-cv-1310-TLN-CMK-P

Plaintiff,

vs.

ORDER

M. CATES, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for an extension of time (Doc. 21) to file an amended complaint and submit his application to proceed in forma pauperis. Good cause appearing therefor, the request is granted.

Plaintiff may file an amended complaint on or before January 5, 2015. The time for defendants’ response thereto is extended accordingly. Plaintiff may also file an application to proceed in forma pauperis on or before December 20, 2014. As previously ordered, if no amended complaint is received on or before the deadline set herein, this action will continue on plaintiff’s original complaint against defendants Cates, Swarthout, Starke, Peterson, Cappel, Hardy, Author, Blackwell, and Freese, but not Baughman.

1 In addition, plaintiff is cautioned that failure to effect service in a timely manner,
2 either on his own or with the assistance of the United States Marshal, may result in the dismissal
3 of unserved defendants. See Fed. R. Civ. P. 4(m).

4 IT IS SO ORDERED.

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6 DATED: December 9, 2014

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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