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

MILTON SYKES,

Plaintiff,

No. 2:12-cv-2570 KJM KJN P

vs.

ATHANNASIOUS, et al.,

Defendants.

ORDER

_____/

By order filed August 9, 2013, plaintiff’s counsel was directed to submit to the court, and serve on plaintiff, a confidential statement responsive to plaintiff’s concerns about the representation of his appointed counsel, Mr. Isaac Fischer. (ECF No. 47.) Plaintiff’s counsel was directed to submit and serve his statement within 14 days, and plaintiff was directed to submit and serve a responsive statement with 7 days after service of his counsel’s statement. On August 27, 2013, plaintiff’s counsel timely submitted a confidential declaration, with a certificate of service demonstrating that a copy of the declaration was mailed to plaintiff on the same date. Allowing three days for plaintiff to receive counsel’s declaration, and three days for plaintiff’s statement to reach the court, see Fed. R. Civ. P. 6(d), plaintiff was accorded until Monday, September 9, 2013, to submit and serve his statement.

1 This deadline has passed, but the court has not received a statement or any other
2 communication from plaintiff. The court is cognizant of plaintiff's age (78), and alleged medical
3 problems, and has confirmed, at this writing, that plaintiff remains incarcerated in the California
4 Medical Facility.

5 Accordingly, IT IS HEREBY ORDERED that:

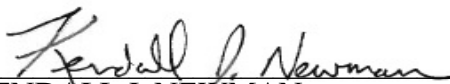
6 1. Within seven (7) days after service of this order, plaintiff shall submit and
7 serve a confidential statement responsive to the declaration submitted by plaintiff's counsel.

8 2. If plaintiff is unable, for medical reasons, to respond to the court's order, a
9 CMF medical staff member may so inform the court, ideally with plaintiff's written
10 authorization.

11 3. Failure of plaintiff to timely comply with this extended deadline may result in a
12 recommendation that this action be dismissed without prejudice.

13 SO ORDERED.

14 DATED: September 16, 2013

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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