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

IN RE GEORGE E. SUMMERS,
Plaintiff.

No. C 12-02491 EJD (PR)

ORDER GRANTING MOTION FOR
RECONSIDERATION AND
REOPENING ACTION; GRANTING
EXTENSION OF TIME TO FILE
COMPLAINT

On September 21, 2012, the Court dismissed this civil rights action because Plaintiff, a state prisoner, had failed to file a complaint in the time provided by the Court. (See Docket No. 10.) Judgment was entered the same day.

Plaintiff has filed a letter stating that he did not receive the last court order granting him an extension of time to file a complaint until after the deadline had expired. (Docket No. 12.) Plaintiff states that he was away at a hospital for a medical procedure from August 28, 2012 until September 1, 2012, and that he was still recovering from the procedure until September 17, 2012, when he finally received his personal property, including the aforementioned court order. (Id.) In the interest of justice, the Court construes the letter as a motion for reconsideration, and for good cause shown, GRANTS the motion. The Clerk shall reopen this action.

Plaintiff shall submit a complaint **within thirty (30) days** of the date this order is

1 filed. **Failure to file a complaint in accordance with this court order in the time**
2 **provided will result in the dismissal without prejudice of this action without further**
3 **notice to Plaintiff.**

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5 DATED: 10/3/2012


EDWARD J. DAVILA
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE GEORGE E. SUMMERS,
Plaintiff.

Case Number: CV12-02491 EJD

CERTIFICATE OF SERVICE

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/4/2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

George E. Summers C47252
Avenal State Prison
P. O. Box 9
Avenal, CA 93204

Dated: 10/4/2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk