IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE H. KNOX, III,

Plaintiff,

vs.

JEANNE WOODFORD, et al.,

Defendants.

/

CASE NO. 1:07-cv-00144 AWI DLB PC

ORDER RELIEVING UNITED STATES MARSHAL OF SERVICE OF SUMMONS AND COMPLAINT UPON DEFENDANTS

(Doc. 17)

ORDER DIRECTING CLERK OF COURT TO SEND COPY OF ORDER TO UNITED STATES MARSHAL

Plaintiff Willie Knox III ("plaintiff") is proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. On December 4, 2007, this court issued an order requiring plaintiff to either file an amended complaint curing the deficiencies in his claims as identified by the court or notify the court that he did not wish to amend and wished to proceed only on those claims found to be cognizable by the court. (Doc. 10.) On December 14, 2007, plaintiff filed a notice stating that he did not wish to amend and wished to proceed on the claims found to be cognizable by the court. (Doc. 11.) Based on plaintiff's notice, the court issued a Findings and Recommendations recommending that this action proceed only against defendants Soto, Reynoso, Popper, Galaza, Pear, Morales, Reese, Navarro, Crisanto, Reynaga, Wanagitis, Pelayo, Negrete and Hernandez on plaintiff's excessive force and state law claims, and that defendants Woodford, Garza, Alvarez, Parks, Fhemas, Sweeny and Gricewich be

dismissed from the action. The Court also issued an order requiring plaintiff to fill out and submit summonses and USM-285 forms for service of process. (Docs. 12, 13.) Plaintiff returned to service documents on September 16, 2008, and the court issued an order directing the United States Marshal to serve plaintiff's complaint on September 19, 2008. (Docs. 15, 17.)

On September 8, 2008, plaintiff filed an objection to the Findings and Recommendations. (Doc. 14.) On October 9, 2008, the Findings and Recommendations were adopted in part and vacated in part. (Doc. 19). Plaintiff was ordered to file an amended complaint. The order also relieved defendants of their obligation to respond to plaintiff's complaint until further notice by this court.

Plaintiff filed an amended complaint on November 10, 2008. (Doc. 20). The Court has not yet screened Plaintiff's amended complaint. 28 U.S.C. § 1915A(a). Accordingly, the order commanding the United States Marshal to serve defendants with the summons and Plaintiff's original complaint, filed September 19, 2008, is HEREBY ORDERED VACATED.

The Clerk of the Court is directed to send a courtesy copy of this order to the United States Marshal.

IT IS SO ORDERED.

Dated: February 11, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE