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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

THOMAS CAVNER,

1:07-cv-00184-GSA-PC

Plaintiff,

ORDER DISMISSING DEFENDANT VOSS
PURSUANT TO RULE 4(m)

v.

ERICA WEINSTEIN, et al.,

Defendants.

_____ /

Thomas Cavner ("Plaintiff") is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The parties to this action consented to the jurisdiction of a Magistrate Judge pursuant to 28 U.S.C. § 636(c), and on June 7, 2010 this action was reassigned to the undersigned to conduct all further proceedings, including trial and entry of judgment. (Docs. 35, 39, 40.)

On January 25, 2011, the Court issued an order for Plaintiff to show cause why defendant Voss should not be dismissed for failure to provide information to enable the Marshal to serve process. (Doc. 51.) On February 7, 2011, Plaintiff filed a notice of non-opposition to the dismissal of defendant Voss. (Doc. 52.)

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant Thomas Voss is DISMISSED from this action, based on Plaintiff's failure to provide information sufficient for the Marshal to effect service of process;

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- 2. This action now proceeds only against defendant Erica Weinstein; and
- 3. The Clerk is DIRECTED to reflect defendant Voss's dismissal from this action on the Court's docket.

IT IS SO ORDERED.

Dated: February 11, 2011 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE