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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

VINCENT C. BRUCE,  
Plaintiff,  
v.

CASE NO. 1:07-cv-00269 AWI DLB PC  
ORDER VACATING PREVIOUS ORDER  
(Docs. 39)

JEANNE WOODFORD, et al.,  
Defendants.

Plaintiff is a state prisoner proceeding pro se in this civil rights action. On September 9, 2009, this Court issued an order granting Plaintiff's request for service by the United States Marshal pursuant to Fed. R. Civ. P. 4(c)(3). (Doc. 39.) However, on September 4, 2009, defendants Adams, Clark, Frauenheim, Hense, Lloren, Schottgen, Tripp and Wan ("defendants") filed a Rule 12(b)(6) motion to dismiss.

In light of the fact that defendants have appeared in this action, the Court HEREBY VACATES its order granting service of the summons and complaint by the United States Marshal.

Plaintiff is ordered to file a response to the motion to dismiss within twenty (20) days of service of this order. Failure to file a response may result in a recommendation that this action be dismissed for failure to obey a court order.

IT IS SO ORDERED.

**Dated: September 16, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE