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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSE MOTEN,

Plaintiff,

v.

DARRELL G. ADAMS, et al.

Defendants.

CASE NO. 1:07-cv-924-AWI-MJS (PC)

ORDER DENYING MISCELLANEOUS
MOTIONS

(ECF Nos. 68 and 69)

_____ /

Plaintiff Jesse Moten ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on June 27, 2007. (ECF No. 1). Plaintiff's Complaint was dismissed for failure to state a claim and Plaintiff was given leave to file an amended complaint. (ECF No. 17.) Plaintiff filed his First Amended Complaint on August 27, 2009. (ECF No. 39.) The Court screened Plaintiff's First Amended Complaint, which was again dismissed for failure to state a claim, and gave Plaintiff leave to file another amended complaint. (ECF No. 46.) Plaintiff filed a Second Amended Complaint on March 11, 2011. (ECF No. 55.) The Court screened Plaintiff's Second Amended Complaint, and issued a Findings and Recommendation, recommending that all claims except for Plaintiff's excessive force claim against Defendant Gonzales be dismissed. (ECF No. 56.) The Court adopted these Findings and Recommendation, dismissed Plaintiff's claims against all Defendants other than the excessive force claim against Defendant Gonzales, and

1 ordered service on Defendant Gonzales. (ECF No. 59.) On August 29, 2011, the Court
2 ordered Plaintiff to complete the required service documents for service on Defendant
3 Gonzales. (ECF No. 70.) Plaintiff was to submit the completed service documents by
4 September 27, 2011. (Id.)

5 Plaintiff also filed a Motion on May 23, 2011, for Indigent Request for Case Status
6 Review and for a Copy of the Docket Sheet to be Forwarded to Plaintiff. (ECF No. 60.)
7 The Court granted Plaintiff's Motion for Case Status Review and ordered the Clerk's Office
8 to forward a copy of the docket sheet to Plaintiff. (ECF No. 67.)

9 On July 26, 2011, Plaintiff again filed a Motion for Indigent Request for Case Status
10 Review and for a Copy of the Docket Sheet to be Forwarded to Plaintiff. (ECF No. 68.)
11 Plaintiff's Motion should be denied as moot since the Court granted Plaintiff's Motion on
12 the same issues on July 27, 2011.

13 On August 16, 2011, Plaintiff also filed a Motion Directing the U.S. Marshall to Effect
14 Service Against Defendant Gonzales. (ECF No. 69.) The Court ordered Plaintiff to
15 complete the required service forms on August 29, 2011. (ECF No. 70.) Only after these
16 forms have been returned to the Court can the Court order the U.S. Marshall to effect
17 service on Defendant Gonzales. Plaintiff's Motion should be denied.

18 Accordingly, it is HEREBY ORDERED that:

- 19 1. Plaintiff's Motion for Indigent Request for Case Status Review and for a Copy
20 of the Docket Sheet to be Forwarded to Plaintiff (ECF No. 68) is DENIED as
21 moot; and
- 22 2. Plaintiff's Motion Directing the U.S. Marshall to Effect Service Against
23 Defendant Gonzales (ECF No. 69) is DENIED.

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27 IT IS SO ORDERED.

28 Dated: September 27, 2011

Isl. Michael J. Seng

UNITED STATES MAGISTRATE JUDGE

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