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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM B. PRUITT,

CASE NO. 1:07-cv-01709-AWI-SMS PC

Plaintiff,

ORDER DENYING MOTION

v.

(Doc. 24)

CLARK, et al.,

Defendants.

Plaintiff William B. Pruitt, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 26, 2007. On March 7, 2011, Plaintiff filed a motion seeking an order directing the United States Marshal (USM) to serve Defendant Bonilla.

The USM was directed to serve Defendant Bonilla on September 23, 2010, along with other four defendants. Although Defendant Bonilla did not join the other four defendants in waiving service and appearing in this action, the UMS has not concluded its attempts to locate and serve Defendant Bonilla. Until and unless the USM returns the summons and UMS-285 form as un-executed, there is no action to take. If service is returned un-executed, the Court will review the record at that time and determine the next appropriate step.

Accordingly, Plaintiff's motion is HEREBY DENIED.

IT IS SO ORDERED.

Dated: March 14, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE