

1 On January 28, 2009, Defendant filed a written response to the OSC, reporting that contrary to
2 the May 7, 2008 docket entry, service was not properly made on Defendant until January 22, 2009,
3 because Plaintiff neglected to serve the United States Attorney’s Office until the latter date. (Docs. 11-
4 13.) In support of its response, Defendant submitted the declaration of Paulette M. Tremblay, a
5 Paralegal Specialist with the United States Attorney’s Office, Eastern District of California, stating,
6 inter alia, that “[p]rior to the close of business on January 22, 2009, this USAO office was personally
7 served with process in this action.” (Doc. 13, p. 3). Defendant’s response correctly indicates that based
8 on a service date of January 22, 2009, the deadline to file the administrative record is May 26, 2009.
9 (Id.).

10 Good cause appearing, it is HEREBY ORDERED that the Court’s January 22, 2009 Order to
11 Show Cause (Doc. 10) is VACATED.

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13 IT IS SO ORDERED.

14 Dated: January 30, 2009

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE

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