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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Christoper J. Martinez,)	No. CV 1-08-875-NVW
Plaintiff,)	ORDER
vs.)	
Correctional Officer A. Smith, et al.,)	
Defendants.)	

In an August 17, 2009 Order (Doc. #20), the Court granted Plaintiff's Motion to File an Amended Complaint and Defendant Chief Medical Officer Dr. Harold Tate was added to this case. On September 25, 2009 an order was issued directing the US Marshal's Service to serve Defendant Tate.

This case was originally filed on June 23, 2008. Defendants Smith, Alvarado, Gould, and Erwin filed an Answer on May 12, 2009 through counsel. In the interest of judicial economy, the Court is directing defense counsel to attempt to locate Defendant Tate, if not served already, and expedite return of a waiver of service and further notify the Court if counsel will be representing defendant Tate.

DATED this 9th day of October, 2009.



 Neil V. Wake
 United States District Judge