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

J. DOE,

Plaintiff,

v.

J. YATES, et al.,

Defendants.

CASE NO. 1:08-cv-01219-LJO DLB PC

ORDER DISREGARDING MOTION FOR  
ISSUANCE OF SUMMONS AS PREMATURE

(Doc. 10)

On August 15, 2008, defendants J. Yates, C. Hudson-Huckabay and K. Scott filed a notice of removal of this action. (Doc. 1.) On October 10, 2008, Plaintiff J. Doe<sup>1</sup> filed a motion requesting that the Court provide Plaintiff with instructions and summons to serve defendants who have not yet appeared in this action. (Doc. 10.)

On July 28, 2009, this Court issued an order requiring Plaintiff to file an amended complaint within thirty (30) days. The Court has not yet received Plaintiff's amended complaint. Therefore, the request for the issuance of summons for service is disregarded as premature.

IT IS SO ORDERED.

**Dated: August 12, 2009**

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

<sup>1</sup> Fictitious name.