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

GEORGE BERRY STRONG,

Plaintiff,

vs.

KENNETH ELLIOTT,

Defendant.

Case No. 1:09-cv-00583 AWI JLT (PC)

ORDER VACATING THE SERVICE ORDER
AND REQUIRING DEFENDANT TO FILE A
RESPONSIVE PLEADING

(Doc. 16)

_____ /

Plaintiff is proceeding pro se and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On December 29, 2010, the Court authorized service of Plaintiff's complaint. It appears, however, that Defendant has been served with the complaint and has already appeared in this action. (Doc. 1-1, Not. of Removal, at 64.)

Accordingly, it is HEREBY ORDERED that:

1. The Court's December 29, 2010, order authorizing service (Doc. 16) is vacated; and
2. Within twenty-one days of the date of this order, Defendant shall file a responsive pleading to the complaint.

IT IS SO ORDERED.

Dated: January 28, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE