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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MATTHEW JAMES GRIFFIN,

12 Plaintiff,

13 vs.

14 FERNANDO GONZALES, et al.,

15 Defendants.
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1:11-cv-00210-AWI-GSA-PC

ORDER HOLDING SERVICE OF PROCESS
IN ABEYANCE PENDING RESOLUTION OF
MOTION FOR RECONSIDERATION

ORDER VACATING COURT'S ORDER
ISSUED ON JANUARY 30, 2015
(Doc. 37.)

ORDER DENYING MOTION FOR
EXTENSION OF TIME AS MOOT
(Doc. 39.)

ORDER DENYING MOTION FOR COURT
TO SEND DOCUMENTS TO PLAINTIFF AS
MOOT
(Doc. 40.)

23 **I. BACKGROUND**

24 Matthew James Griffin ("Plaintiff") is a prisoner proceeding pro se and in forma
25 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
26 commencing this action on January 28, 2011. (Doc. 1.) On January 10, 2012, the court issued
27 an order dismissing the Complaint for failure to state a claim, with leave to amend. (Doc. 14.)
28 On February 17, 2012, Plaintiff filed the First Amended Complaint. (Doc. 18.)

1 On January 29, 2015, the court issued an order for this case to proceed against
2 defendant C/O Caldwell for retaliation in violation of the First Amendment, and dismissing all
3 other claims and defendants from this action for failure to state a claim and violation of Rule 18
4 of the Federal Rules of Civil Procedure. (Doc. 36.) On January 30, 2015, the court issued an
5 order directing Plaintiff to complete and submit documents to initiate service upon defendant
6 Caldwell, within thirty days. (Doc. 37.)

7 On February 27, 2015, Plaintiff filed a motion for reconsideration of the court's order of
8 January 29, 2015, (Doc. 38); a motion for an extension of time to submit service documents to
9 the court, (Doc. 39); and a motion for the court to send him additional service documents, (Doc.
10 40).

11 **II. DISCUSSION**

12 The court's order of January 29, 2015, held that this case now proceeds only against
13 defendant C/O Caldwell. Plaintiff's motion for reconsideration requests that defendant
14 Caldwell be severed from this action. Because resolution of the motion for reconsideration
15 may sever defendant Caldwell from this action, service of process upon defendant Caldwell
16 shall be held in abeyance until the motion for reconsideration is resolved. To this end, the court
17 shall vacate the order of January 30, 2015, which directs Plaintiff to complete and return
18 documents to serve defendant Caldwell.

19 In light of this ruling, Plaintiff's motion for extension of time, and motion for the court
20 to send him additional service documents, are moot and shall be denied as such.

21 **III. CONCLUSION**

22 Based on the foregoing, IT IS HEREBY ORDERED that:

- 23 1. Service of process in this action is held in abeyance pending resolution of
24 Plaintiff's motion for reconsideration of February 27, 2015;
- 25 2. The court's order of January 30, 2015, which directs Plaintiff to complete and
26 submit service documents, is VACATED;
- 27 3. Plaintiff's motion for extension of time, filed on February 27, 2015, is DENIED
28 as moot; and

