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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LAMONT SHEPARD,

12 Plaintiff,

13 vs.

14 COHEN, et al.,

15 Defendants.
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1:11-cv-00535-GSA-PC

ORDER FOR U.S. MARSHAL TO
CEASE SERVICE OF PROCESS
PURSUANT TO NOVEMBER 18, 2013
ORDER

ORDER DISCHARGING COURT'S
ORDER OF NOVEMBER 18, 2013,
WHICH DIRECTED THE U.S.
MARSHAL TO SERVE THE FIRST
AMENDED COMPLAINT UPON
DEFENDANTS
(Doc. 13.)

ORDER FOR CLERK TO SERVE THIS
ORDER UPON THE U.S. MARSHAL

21 Lamont Shepard ("Plaintiff") is a state prisoner proceeding pro se in this civil rights
22 action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action
23 on March 30, 2011. (Doc. 1.)

24 On March 25, 2013, Plaintiff filed the First Amended Complaint. (Doc. 8.) The court
25 screened the First Amended Complaint pursuant to 28 U.S.C. § 1915A and found that Plaintiff
26 stated cognizable claims against defendants Dr. Cohen, Sgt. J. Lopez, Correctional Officer
27 (C/O) Z. Dean, C/O J. Campbell, and Doe Defendant (LVN) on Plaintiff's due process claim,
28 and against defendants Dr. Cohen, Sgt. J. Lopez, C/O Z. Dean, and C/O J. Campbell on

1 Plaintiff's excessive force claim.¹ (Doc. 11.) On November 18, 2013, the court directed the
2 United States Marshal ("Marshal") to serve the First Amended Complaint upon defendants
3 Cohen, Lopez, Dean, and Campbell. (Doc. 13.) On January 27, 2014, defendants Lopez,
4 Dean, and Campbell filed an Answer. (Doc. 18.) To date, defendant Cohen has not been
5 served with process or appeared in this action.

6 On May 8, 2014, the Court granted Plaintiff leave to amend the complaint, for the sole
7 purpose of identifying the Doe Defendant (LVN). (Doc. 39.) On May 19, 2014, Plaintiff filed
8 the Second Amended Complaint, identifying the Doe Defendant (LVN) as Vera Brown (LVN).
9 (Doc. 41.) On June 10, 2014, defendants Lopez, Dean, and Campbell filed an Answer to the
10 Second Amended Complaint. (Doc. 43.)

11 This action now proceeds on the Second Amended Complaint against defendants Dr.
12 Cohen, Sgt. J. Lopez, Correctional Officer (C/O) Z. Dean, C/O J. Campbell, and Vera Brown
13 (LVN) on Plaintiff's due process claim, and against defendants Dr. Cohen, Sgt. J. Lopez, C/O
14 Z. Dean, and C/O J. Campbell on Plaintiff's excessive force claim. (Doc. 41.)

15 Due to the fact that Plaintiff has filed the Second Amended Complaint, further service
16 of the First Amended Complaint by the Marshal is not appropriate. Therefore, the court shall
17 discharge the November 18, 2013 service order. (Doc. 13.)

18 Accordingly, it is HEREBY ORDERED that:

- 19 1. The court's order of November 18, 2013, which directed the United States
20 Marshal to serve the First Amended Complaint upon defendants in this action, is
21 DISCHARGED;
- 22 2. The United States Marshal shall cease service of process in this action pursuant
23 to the November 18, 2013 order; and

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27 ¹On October 31, 2013, the court dismissed all remaining claims and defendants from this action, based on
28 Plaintiff's failure to state a claim. (Doc. 11.)

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3. The Clerk is directed to serve a copy of this order upon the United States Marshal.

IT IS SO ORDERED.

Dated: August 1, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE