

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN EDWARD MITCHELL,) Case No.: 1:11-cv-01205 - LJO - JLT
Plaintiff,)
v.) ORDER DENYING PLAINTIFF'S MOTION FOR
DEFENDANT NAME,) AN ORDER DIRECTING SERVICE AS MOOT
Defendant.) (Doc. 24)
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Plaintiff John Edwards Mitchell (“Plaintiff”) is a state prisoner proceeding *pro se* in a civil rights case pursuant to 42 U.S.C. § 1983. At present, Plaintiff requests that the Court direct the Clerk of the Court to provide him with service documents to effectuate service on Defendants Indemill and Pena. (Doc. 24).

On November 13, 2012, the Court directed the United States Marshal Service to serve Plaintiff's second amended complaint on Defendants Indemill, Sumaya, and Pena. (Doc. 17). On June 7, 2013, Defendant Sumaya appeared through Defense counsel in this matter and filed his motion to dismiss. (Doc. 17). To date, neither Defendant Indemill nor Defendant Pena have been served. However, the November 13, 2012 order remains in effect and the U.S. Marshals will serve these Defendants or notify the Court if service cannot be effectuated in due course.

Accordingly, Plaintiff's motion for an order directing service is **DENIED as moot**. In the event that Plaintiff possesses updated information as to the whereabouts of Defendants Indemill and

1 Pena, he may freely submit such information to the Court.

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3 IT IS SO ORDERED.

4 Dated: July 30, 2013

5 /s/ Jennifer L. Thurston
6 UNITED STATES MAGISTRATE JUDGE
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