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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JOHN EDWARD MITCHELL, ) Case No.: 1:11-cv-01205 - LJO - JLT  
12 Plaintiff, )  
13 v. ) ORDER DENYING PLAINTIFF’S MOTION FOR  
14 DEFENDANT NAME, ) AN ORDER DIRECTING SERVICE AS MOOT  
15 Defendant. ) (Doc. 24)  
16 )  
\_\_\_\_\_ )

17 Plaintiff John Edwards Mitchell (“Plaintiff”) is a state prisoner proceeding *pro se* in a civil  
18 rights case pursuant to 42 U.S.C. § 1983. At present, Plaintiff requests that the Court direct the Clerk  
19 of the Court to provide him with service documents to effectuate service on Defendants Indemill and  
20 Pena. (Doc. 24).

21 On November 13, 2012, the Court directed the United States Marshal Service to serve  
22 Plaintiff’s second amended complaint on Defendants Indemill, Sumaya, and Pena. (Doc. 17). On June  
23 7, 2013, Defendant Sumaya appeared through Defense counsel in this matter and filed his motion to  
24 dismiss. (Doc. 17). To date, neither Defendant Indemill nor Defendant Pena have been served.  
25 However, the November 13, 2012 order remains in effect and the U.S. Marshals will serve these  
26 Defendants or notify the Court if service cannot be effectuated in due course.

27 Accordingly, Plaintiff’s motion for an order directing service is **DENIED as moot**. In the  
28 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

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE