## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ROBIN DASENBROOK, Case No.: 1:11-cv-01884 AWI DLB PC 12 Plaintiff, ORDER DISMISSING MOTION DIRECTING PERSONAL SERVICE 13 [ECF No. 96] v. 14 ORDER DENYING MOTION FOR THIRD PARTY 15 A. ENENMOH, et al., **DISCOVERY** [ECF No. 106] 16 Defendants. 17 18 Plaintiff Robin Dasenbrook ("Plaintiff") is a state prisoner proceeding pro se and in forma 19 pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding against 20 Defendants Enenmoh, Page, Perez, and blonde Doe 1 for claims of negligence and deliberate 21 indifference to a serious medical need in violation of the Eighth Amendment. 22 On October 9, 2014, Plaintiff filed a motion seeking an order directing the U.S. Marshals 23 Service to contact the Legal Affairs Division of the California Department of Corrections and 24 Rehabilitation ("CDCR") and request the assistance of a special investigator to locate Defendant 25

Perez. On December 15, 2014, a Waiver of Service of Summons was returned executed by Defendant

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Perez. Therefore, Plaintiff's motion is moot.

On November 17, 2014, Plaintiff filed a motion requesting leave of court to conduct third party discovery on a non-party in an effort to locate Defendant Perez. As stated above, Defendant Perez has executed and filed a waiver of service. Plaintiff's motion is moot. **ORDER** Accordingly, IT IS HEREBY ORDERED: 1) Plaintiff's motion seeking an order directing the U.S. Marshals Service to contact the Legal Affairs Division of the CDCR is DENIED as moot; 2) Plaintiff's request for an order permitting discovery on a non-party is DENIED as moot. IT IS SO ORDERED. 1s/ Dennis L. Beck Dated: **December 25, 2014** UNITED STATES MAGISTRATE JUDGE