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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLEOFAS GONZALEZ,)	1:12cv01053 LJO DLB PC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	MOTION FOR RETURN OF SERVICE
vs.)	DOCUMENTS
)	
DR. BOPARI, et al.,)	(Document 29)
)	
Defendants.)	

Plaintiff Cleofas Gonzalez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. Plaintiff filed this action on June 28, 2012.

On April 23, 2014, the Court screened Plaintiff’s Second Amended Complaint and found that it stated a claim against Defendants Bopari and Grimm. On May 9, 2014, after Plaintiff completed and returned service documents, the Court ordered the United States Marshal to initiate service of process.

On August 20, 2014, Plaintiff filed a motion for return of service documents from the United States Marshal. Plaintiff believes that an inordinate amount of time has elapsed without return of service.

1 Plaintiff is informed, however, that the Court will not issue further orders to the United
2 States Marshal to expedite service. Service is dependent upon locating a defendant, which in
3 some instances, can take quite some time. Moreover, the Marshal, like this Court, is tasked with
4 handling a large number of pro se cases where the plaintiff is proceeding pro se.

5 Until such time as the United States Marshal returns service and informs the Court
6 whether service was successful, the Court will not issue any further orders. The Court also notes
7 that a plaintiff proceeding in forma pauperis, and for whom service is performed by officers of
8 the court pursuant to 28 U.S.C. § 1915(d), has no ability to dictate how that service shall lawfully
9 be accomplished.
10

11 The Court will keep Plaintiff informed and will notify him if service issues arise.

12 Accordingly, Plaintiff's motion is DENIED.

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14 IT IS SO ORDERED.

15 Dated: August 25, 2014

/s/ Dennis L. Beck
16 UNITED STATES MAGISTRATE JUDGE
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