1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL PURTUE, Case No.: 1:15-cv-00551-SAB (PC) 12 Plaintiff, SECOND ORDER DIRECTING SERVICE BY UNITED STATES MARSHAL ON DEFENDANT 13 v. D. MAGALLANCE 14 B. KEARNES, et al., [ECF Nos. 18, 23] 15 Defendants. 16 Plaintiff Michael Purtue is appearing pro se and in forma pauperis in this civil rights action 17 pursuant to 42 U.S.C. § 1983. 18 The Marshal was not able to locate Defendant D. Magallance and service was returned un-19 20 executed on October 21, 2016. 21 On October 24, 2016, the Court issued an order to show cause why Defendant Magallance 22 should be dismissed pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 19.) 23 Plaintiff filed a response to the order to show cause on November 14, 2016. (ECF No. 23.) 24 The Court will hereby direct re-service as to Defendant D. Magallance by the United States 25 Marshal. 26 /// 27 28

## Accordingly, IT IS HEREBY ORDERED that: The Clerk of Court is directed to serve a copy of the following documents on the 1. United States Marshal: The Court's July 28, 2016 service order (ECF No. 11); a. b. A copy of the USM-285 forms as to Defendant D. Magallances (ECF No. 18); A copy of the response to the order to show cause filed by Plaintiff to assist the c. United States Marshal with service (ECF No. 23); and 2. All provisions of the Court's July 28, 2016, order remain in full force and effect IT IS SO ORDERED. Dated: **November 16, 2016** UNITED STATES MAGISTRATE JUDGE