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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

PABLO HOLGUIN,  
Plaintiff,  
v.  
R. WICKS,  
Defendant.

Case No. 1:16-cv-00346-DAD-BAM (PC)  
ORDER VACATING ORDER DIRECTING  
U.S. MARSHAL TO SERVE SECOND  
AMENDED COMPLAINT ON R. WICKS  
(ECF No. 31)

Plaintiff Pablo Holguin (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 16, 2017, the Court issued an order finding that Plaintiff’s second amended complaint stated a cognizable claim against Defendant R. Wicks for violation of Due Process for denial of Plaintiff’s right to call an identified witness in his defense. The assigned Magistrate Judge further issued Findings and Recommendations recommending dismissal of Plaintiff’s other claims against Defendant Wicks, and objections were due on July 19, 2017. (ECF No. 29.) Any objections will be submitted with the Findings and Recommendations to the assigned District Judge for consideration.

On July 12, 2017, the Court issued an order directing the U.S. Marshal to serve the second amended complaint on Defendant R. Wicks. (ECF No. 31.) However, as Defendant Wicks has already appeared in this action, (ECF No. 12), it is not necessary for the U.S. Marshal to serve Defendant Wicks with the second amended complaint.

1           The Court will defer the matter of the filing of a response to the second amended  
2 complaint until the pending Findings and Recommendations have been reviewed by the assigned  
3 District Judge.

4           Accordingly, it is HEREBY ORDERED that the Court's July 12, 2017 order directing the  
5 U.S. Marshal to serve the second amended complaint on Defendant Wicks, (ECF No. 31), is  
6 VACATED.

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8 IT IS SO ORDERED.

9           Dated: July 24, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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