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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 JAMES MILLNER,

10 Plaintiff,

11 v.

12 DR. WOODS, et al.,

13 Defendants.

Case No. 1:16-cv-01209-SAB-PC

ORDER PARTIALLY VACATING ORDER
DIRECTING UNITED STATES MARSHAL
TO SERVE DEFENDANTS WOODS AND
HASHEEM

(ECF No. 14)

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16 Plaintiff James Millner is proceeding pro se in this civil action filed on August 15, 2016.

17 On August 24, 2017, the Court issued an order granting Plaintiff's motion to have the
18 U.S. Marshal effect service of process on Defendants Wood and Hashem, (ECF No. 13), and
19 issued an order directing the Marshal to serve those defendants, (ECF No. 14). The order was
20 based on Plaintiff's representations that he had attempted to serve such Defendants, but had been
21 unsuccessful.

22 After such orders were issued, on August 24, 2017, Defendant Woods filed an answer to
23 Plaintiff's first amended complaint. No defense of lack of proper service was raised. (ECF No.
24 15.)

25 Accordingly, the Court finds that service by the U.S. Marshal on Defendant Woods is no
26 longer needed in this matter. Based on the foregoing, it is **HEREBY ORDERED** that:

27 1. The Court's order directing service by the U.S. Marshal on Defendant Woods and
28 Hashem is partially vacated;

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2. The U.S. Marshal is relieved of the duty to effect service of process on Defendant Woods;

3. The order directing the U.S. Marshal to effect service of process on Defendant Hashem remains in full force and effect; and

4. The Clerk of the Court is directed to provide a copy of this order to the U.S. Marshal to assist with service of process.

IT IS SO ORDERED.

Dated: August 28, 2017



UNITED STATES MAGISTRATE JUDGE