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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LACEDRIC JOHNSON,

Plaintiff,

No. 2:08-cv-1609 JAM KJN P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel. On July 29, 2011, defendant Sisto was ordered to show good cause for his failure to waive service of process. On August 12, 2011, defendant filed a response to the order to show cause. Defendant Sisto filed a motion to dismiss on July 26, 2011.

Defendant Sisto has shown good cause for his failure to waive service of process. Defendant Sisto was retired at the time the waiver was sent to the CSP Solano litigation office. Defendant Sisto did not receive a waiver-of-service form before he was personally served on July 5, 2011. Accordingly, the order to show cause is discharged, and defendant Sisto is relieved of his obligation to pay the U.S. Marshal the sum of \$129.38.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The July 29, 2011 order to show cause is discharged; and

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2. Defendant Sisto is relieved of his obligation to pay the U.S. Marshal the sum of \$129.38.

DATED: September 16, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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