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

JAMES OLIVER,

Petitioner,

No. CIV S-08-2524 GGH P

vs.

R.K. WONG, Warden, et al.,

Respondents.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, who seeks relief pursuant to 42 U.S.C. § 1983. In response to plaintiff’s request to change the name of the defendant, from S. Scott to Scott Chesser, court ordered on August 21, 2009, plaintiff’s amended complaint be dismissed and plaintiff submit a first amended complaint describing the allegations against Scott Chesser. The court also vacated its previous service order.

On August 25, 2009, plaintiff filed a motion for the court to order the US Marshal to serve the defendant. The court notes that it is possible that plaintiff’s August 25, 2009, motion could have been filed prior to plaintiff receiving the court’s order of August 21, 2009. Plaintiff is advised to comply with the court’s August 21, 2009, order.

The court also notes that plaintiff has now provided three different variations of defendant’s name. The amended complaint referred to defendant at “S. Scott”. The motion to

1 substitute names referred to defendant as “Scott Chesser”. In plaintiff’s most recent motion, he
2 refers to defendant as “Chesser Scott”.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff’s August 25, 2009, motion for the US Marshal to serve defendant
5 (Doc. 17) is denied.

6 DATED: September 14, 2009

7 /s/ Gregory G. Hollows

8

GREGORY G. HOLLOWS
9 UNITED STATES MAGISTRATE JUDGE

9 ggh: ab
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