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

NADEEM AHMAD,

Plaintiff,

No. CIV S-09-1200 JAM DAD PS

vs.

WELLS FARGO BANK N.A., FIRST
AMERICAN LOAN STAR TRUSTEE
SERVICE, AND MORTGAGE
ELECTRONIC REGISTRATION
SYSTEM, INC.,

Defendants.

ORDER

_____ /
Pursuant to an order filed May 25, 2010, plaintiff has filed a timely second amended complaint together with a proof of service showing that the pleading was served on counsel for defendant First American Loanstar Trustee Services (First American).¹ The May 25, 2010 order provides that defendant First American shall respond to the pleading within thirty days after its filing. By this order, the court addresses the issue of service on defendants Wells Fargo Bank N.A. (Wells Fargo) and Mortgage Electronic Registration System Inc. (MERS).

¹ Plaintiff did not include proof of service on counsel for Citi Mortgage, Inc. (Citi), although he was directed to do so. The notice of electronic filing generated by the clerk's filing of the second amended complaint was served on counsel for Citi, enabling counsel to discover that Citi is not named as a defendant in plaintiff's new pleading.

1 On May 28, 2010, the United States Marshal filed a return of service unexecuted
2 reflecting that the Marshal was unable to effect service of plaintiff's first amended complaint on
3 defendant MERS because the defendant did not respond to the Marshal's request for a waiver of
4 service of summons and the Marshal is unable to effect personal service at a post office box
5 address. (See Doc. No. 42.) The court declines to direct the Marshal to serve the second
6 amended complaint on defendant MERS unless plaintiff can provide the Marshal with a street
7 address as well as a post office box address for the defendant.

8 The Marshal has not yet filed a return of service executed or unexecuted for
9 defendant Wells Fargo. Because service of the first amended complaint is still in progress, the
10 court declines to direct the Marshal to serve the second amended complaint on defendant Wells
11 Fargo at the present time.

12 IT IS ORDERED that plaintiff shall, within 28 days after this order is served, file
13 a declaration in which he states whether he has a street address as well as a post office box
14 address for defendant MERS.

15 DATED: June 22, 2010.

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18 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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