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

O. D. PHILLIPS,

Plaintiff,

No. CIV S-09-1535 GEB KJM PS

vs.

UNITED STATES GOVERNMENT,

Defendant.

ORDER

_____ /

A status conference was held in this matter on October 28, 2009 before the undersigned. Plaintiff appeared in propria persona. No appearance was made for defendant. Upon consideration of the status report on file in this action, discussion of plaintiff and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Plaintiff has not properly completed service of process in this action. Federal Rule of Civil Procedure 4(i) sets forth specific requirements for service of process. The proof of service filed October 20, 2009, indicates plaintiff erroneously served the Attorney General of the State of California, not the United States Attorney for the Eastern District of California. In addition, it appears that plaintiff has failed to meet requirements for service by registered or certified mail set forth in Rule 4(i).

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Accordingly, IT IS HEREBY ORDERED that within sixty days from the date of this order plaintiff shall complete service of process in compliance with Federal Rule of Civil Procedure 4(i) and shall file with the court proof of said service. Failure to comply with this order may result in a recommendation that the action be dismissed.

DATED: November 2, 2009.



U.S. MAGISTRATE JUDGE

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phillips.oas