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

BART A. GARBER,

No. CIV S-09-3168-MCE-CMK

Plaintiff,

vs.

AMENDED ORDER

R. DICKINSON,

Defendant.

\_\_\_\_\_ /

Plaintiff, who is proceeding pro se, brings this civil action. A scheduling conference was held on October 28, 2010, at 10:00 a.m. before the undersigned in Redding, California. Plaintiff appeared pro se. Defendant has not been served. An order was issued November 1, 2010, continuing the scheduling conference to December 1, 2010, and setting a date for Plaintiff to file his scheduling conference statement. However, the prior order failed to address service of the complaint on the Defendant. This amended order supercedes the November 1, 2010, order.

On June 23, 2010, service was authorized against defendant Dickinson and Plaintiff was ordered to submit the summons, a copy of the complaint, the USM-285 Form, new case documents, and the order setting the matter for scheduling conference, to the United States

1 Marshal for service to be completed. Plaintiff was also ordered to inform the court that such  
2 documents had been submitted. Plaintiff failed to inform the court that he had in fact submitted  
3 the necessary service documents to the United States Marshal as ordered. Accordingly, Plaintiff  
4 will be required to submit to the court, along with his scheduling conference statement, a notice  
5 that he has complied with the court's prior order that he submit the service documents to the  
6 United States Marshal. If Plaintiff has not done so, he shall do so immediately, and inform the  
7 court of his failure to submit the required documents. In such a situation, the court will likely  
8 continue the scheduling conference again in order to provide the United States Marshal sufficient  
9 time to effect service.

10 Having considered the matter, the court hereby orders as follows:

11 1. The scheduling conference is continued to December 1, 2010, at 10:00  
12 a.m. before the undersigned in Redding, California;

13 2. Plaintiff shall file his scheduling conference statement on or before  
14 November 24, 2010;

15 3. With his scheduling conference statement, Plaintiff shall also include a  
16 notice indicating that the service documents have been submitted to the United States Marshal,  
17 including the date on which the documents were submitted; and

18 4. If the service documents have not been submitted to the United States  
19 Marshal, Plaintiff shall do so immediately and notify the court within 10 days of the date of this  
20 order that he had not previously done so, that the service documents have since been submitted,  
21 and the date on which he submitted the service documents to the United States Marshal.

22  
23 DATED: November 3, 2010

24   
25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE