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

TROY COOPER,

Plaintiff,

No. CIV S-10-1057 GEB DAD P

vs.

KAUR et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action.

On March 3, 2011, the undersigned issued findings and recommendations, recommending that defendant Naku be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Two days before the court issued the findings and recommendations, plaintiff filed a letter with the court explaining that he had received a copy of the United States Marshal’s “Process Receipt and Return” indicating that defendant Naku could not be located at the address plaintiff provided on form USM-285. Plaintiff requested that the court order the United States Marshal to attempt service again and listed a new address for the defendant.

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1 In the interest of justice, the court will grant plaintiff's request, vacate its findings
2 and recommendations, and order plaintiff to complete new service documents for defendant
3 Naku. Plaintiff is cautioned, however, that if the United States Marshal is unable to effect
4 service again, the court will issue findings and recommendations recommending that defendant
5 Naku be dismissed.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's March 1, 2011 request to attempt re-service (Doc. No. 29) is
8 granted;
- 9 2. The court's March 3, 2011 findings and recommendations are vacated;
- 10 3. The Clerk of the Court is directed to send plaintiff one summons, one USM-
11 285 form, an instruction sheet, and a copy of the amended complaint filed June 16, 2010; and
12 4. Within thirty days from the date of this order, plaintiff shall complete the
13 attached Notice of Submission of Documents and submit it to the court with the documents listed
14 below:
 - 15 a. One completed USM-285 form for defendant Naku;
 - 16 b. Two copies of the endorsed complaint filed June 16, 2010; and
 - 17 c. One completed summons form.

18 DATED: March 8, 2011.

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21 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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

TROY COOPER,

Plaintiff,

No. CIV S-10-1057 GEB DAD P

vs.

KAUR et al.,

Defendants.

NOTICE OF SUBMISSION

OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's order filed _____:

_____ one completed summons form;

_____ one completed USM-285 form; and

_____ two true and exact copies of the amended complaint filed June 16, 2010.

DATED: _____.

Plaintiff