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

JAMA A. HALL,

Plaintiff,

No. CIV S-10-1152 JAM EFB PS

vs.

PLACER COUNTY SHERIFF'S
DEPARTMENT; OFFICER ZENDER,
BADGE NO. 177,

ORDER

Defendants.

_____ /
This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On May 10, 2010, plaintiff filed a complaint in this action, along with a request to proceed *in forma pauperis*. Dckt. Nos. 1, 2. On February 13, 2010, the undersigned granted plaintiff's request to proceed *in forma pauperis*, directed plaintiff to provide the U.S. Marshal with documents necessary to effect service of process on defendants, and directed the U.S. Marshal to serve process upon receipt of that required information from plaintiff. Dckt. No. 3.

Also on May 13, 2010, the undersigned issued an order setting a status conference in this action for September 22, 2010. Dckt. No. 4. That order directed the parties to file status reports fourteen days prior to the status conference. *Id.* Defendant Placer County Sheriff's Department

1 and plaintiff each filed a separate status report, as required by the May 13, 2010 order.¹ Dckt.
2 Nos. 12, 13. However, the status reports both indicate that defendant Zender has not yet been
3 served in this action. *Id.*

4 Therefore, on September 14, 2010, the undersigned's staff contacted the U.S. Marshal's
5 Office to inquire about the status of service of process on defendant Zender. A U.S. Marshal
6 representative indicated that Zender had not yet been served because the materials provided to
7 the U.S. Marshal by plaintiff, *see* Dckt. No. 9, did not include service documents for defendant
8 Zender.² Nonetheless, the U.S. Marshal representative stated that service on Zender would be
9 effected shortly.³

10 Because defendant has not yet been served in this action and has therefore been unable to
11 submit a status report, the September 22, 2010 status conference will be continued.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The status conference currently scheduled for September 22, 2010, is rescheduled for
14 December 8, 2010, at 10:00 a.m., in Courtroom No. 24.

15 2. On or by November 24, 2010, defendant Zender shall file a status report addressing
16 the matters referenced in the court's May 13, 2010 order.

17 3. Because both plaintiff and defendant Placer County Sheriff's Department have already
18 filed status reports herein, they need not file a further status report in advance of the December 8,
19 2010 status conference. However, if either of those parties elects to file a further status report, it

20 _____
21 ¹ Defendant Placer County Sheriff's Department has also filed an answer in this action.
Dckt. No. 11.

22 ² The U.S. Marshal representative also indicated that the complaint submitted to the U.S.
23 Marshal by plaintiff was the original complaint filed in this action on May 10, 2010, not the
24 amended complaint filed on May 17, 2010. In light of that conduct, and because plaintiff's amended
complaint, Dckt. No. 7, is substantively very similar to, but is shorter than, the original complaint,
Dckt. No. 1, the amended complaint, Dckt. No. 7, is deemed withdrawn.

25 ³ The U.S. Marshal representative indicated that defendant Zender would be served with a
26 copy of the complaint that plaintiff submitted to the U.S. Marshal, which was the original May 10,
2010 complaint, Dckt. No. 1.

1 shall do so on or before November 24, 2010.

2 4. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,
3 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

4 5. Within fourteen days of the date of this order, the U.S. Marshal is directed to serve
5 defendant Zender with a copy of this order. *The Marshal shall, within fourteen days thereafter,*
6 *file a statement with the court that the order was served.* If the Marshal is unable, for any
7 reason, to serve this order on that defendant, the Marshal shall promptly report that fact, and the
8 reasons for it, to the undersigned.

9 DATED: September 15, 2010.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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