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

CHARLES CORNELIUS JAMES,

Plaintiff,

No. CIV S-10-1171 LKK DAD P

vs.

DEEPAK MEHTA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding through counsel with an action filed pursuant to 42 U.S.C. § 1983.

Prior to appointing counsel in this case, the court found that plaintiff's second amended complaint appeared to state cognizable claims against defendants Mehta, Dhillon, Pai, Capitano, Uppal, Bick, Aguilera, Andreasen, and Williams and ordered plaintiff to complete and return the documents necessary to effect service on them. In response to the court's order, plaintiff while still proceeding pro se submitted the documents necessary for service but also filed a motion to delay service and noted that his counsel in an earlier-filed case intended to seek leave to amend his complaint in that case to include the allegations made against the defendants in this case. If granted leave to amend in his earlier-filed case, plaintiff indicated that he would seek to voluntarily dismiss this case.

1 Good cause appearing, the court will grant plaintiff's motion to delay service at
2 this time. However, the court will order plaintiff's counsel to file a status report on the first court
3 day of each month hereafter, advising the court of the status of plaintiff's anticipated request for
4 voluntary dismissal of this action.

5 In accordance with the above, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's April 8, 2011 motion to delay service (Doc. No. 26) is granted; and
- 7 2. Plaintiff's counsel shall file a status report in this case on the first court day of
8 each month advising the court of the status of plaintiff's anticipated request for voluntary
9 dismissal of this action.

10 DATED: May 25, 2011.

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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14 jame1171.status