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

NAPOLEON PEREA, II,
Plaintiff,

No. CIV S-10-2237-CMK

vs.

ORDER

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

_____ /

Plaintiff, who is proceeding with retained counsel, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g). On August 31, 2010, the court granted plaintiff's motion for leave to proceed in forma pauperis. That order required plaintiff to submit to the United States Marshal, within 15 days of the date of service of the order, a completed summons and copies of the complaint, and file a statement with the court that said documents have been submitted. Plaintiff was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. As of October 14, 2010, more than 15 days had elapsed and plaintiff had not complied. The court directed plaintiff to show cause why this action should

1 not be dismissed. Plaintiff has responded indicating submission of documents to the United
2 States Marshal. The order to show cause is, therefore, discharged.

3 IT IS SO ORDERED.

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5 DATED: January 20, 2011

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE
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