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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE M. PASION,
Plaintiff,
v.
JOHN A. HAVILAND, et al.,
Defendants.

No. 2:10-cv-3227 AC P

ORDER

Plaintiff is a former state prisoner proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Currently before the court is Dalton McGuire’s motion to quash. ECF No. 84.

In his motion, Mr. McGuire states that he is not the D. McGuire named in the complaint and that he has never worked at the Solano State Prison. ECF No. 84. Plaintiff has responded that the summons served on Mr. McGuire was served in the mistaken belief that Mr. McGuire was the D. McGuire in the complaint. ECF No. 90. He agrees that Dalton McGuire is not a party to this case and the summons issued to him should be quashed. Id. at 2. Plaintiff also states that the notice of service filed with the court (ECF No. 86) was served on David McGuire, who is the correct defendant. Id. Based on the foregoing, the court will quash the summons served on Dalton McGuire and set a deadline for David McGuire to answer the complaint.

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