1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GEORGE M. PASION, No. 2:10-cv-3227 AC P 12 Plaintiff. 13 **ORDER** v. 14 JOHN A. HAVILAND, et al., 15 Defendants. 16 17 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. 18 19 ECF No. 84. 20 In his motion, Mr. McGuire states that he is not the D. McGuire named in the complaint 21 and that he has never worked at the Solano State Prison. ECF No. 84. Plaintiff has responded that 22 the summons served on Mr. McGuire was served in the mistaken belief that Mr. McGuire was the 23 D. McGuire in the complaint. ECF No. 90. He agrees that Dalton McGuire is not a party to this 24 case and the summons issued to him should be quashed. Id. at 2. Plaintiff also states that the 25 notice of service filed with the court (ECF No. 86) was served on David McGuire, who is the 26 correct defendant. Id. Based on the foregoing, the court will quash the summons served on 27 Dalton McGuire and set a deadline for David McGuire to answer the complaint. //// 28 1

1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Dalton McGuire's motion to quash (ECF No. 84) is granted and the summons served
3	on Dalton McGuire is quashed.
4	2. Defendant David McGuire shall respond to plaintiff's third amended complaint within
5	twenty-one days of the filing of this order.
6	DATED: July 28, 2015
7	/S/ Allison Claire
8	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE
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