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

KEVIN A. CLEVELAND,

Plaintiff,

No. CIV S-11-0435 EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

_____/

On May 5, 2011, the court ordered plaintiff to, within 14 days, submit documents for service of process to the United States Marshal, and to file a statement with the court that said documents had been submitted. Dckt. No. 3. Plaintiff failed to comply with that order. On March 14, 2012, plaintiff was ordered to comply with the May 5, 2011 order within 14 days and warned that failure to comply would result in dismissal of this case. Dckt. No. 9. Plaintiff failed to respond to that order, and on April 30, 2012, the undersigned issued findings and recommendations recommending the instant action be dismissed for failure to prosecute. Dckt. No. 10.

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1 Plaintiff filed objections to the findings and recommendations. Dckt. No. 11. In his
2 objections, plaintiff states that he is homeless and does not timely receive mail. He further states
3 that he does not know if he received a copy of the court's May 5, 2012 order. In light of plaintiff
4 proceeding without counsel and his difficulty receiving mail, the court will give plaintiff one
5 more opportunity to submit the necessary documents for service of process to the United States
6 Marshal. Plaintiff is warned that failure to comply with this order will once again result in a
7 recommendation that this case be dismissed.

8 Accordingly, it is ORDERED that:

- 9 1. The April 30, 2012 findings and recommendations are vacated.
- 10 2. The March 14, 2012 order to show cause is discharged.
- 11 3. The Clerk of the Court shall reserve Docket Numbers 3 and 4 on plaintiff.
- 12 4. Within fourteen days from the date of this order, plaintiff shall submit to the United
13 States Marshal an original and five copies of the completed summons, five copies of the
14 complaint, and five copies of the scheduling order, and *shall file a statement with the court that*
15 *said documents have been submitted to the United States Marshal.*
- 16 5. The United States Marshal is directed to serve all process without prepayment of costs
17 not later than sixty days from the date of this order. Service of process shall be completed by
18 delivering a copy of the summons, complaint, and scheduling order to the United States Attorney
19 for the Eastern District of California, and by sending two copies of the summons, complaint, and
20 scheduling order by registered or certified mail to the Attorney General of the United States at
21 Washington, D.C. *See* Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal shall also send a copy of
22 the summons, complaint, and scheduling order by registered or certified mail to the
23 Commissioner of Social Security, c/o Office of General Counsel, 6401 Security Blvd., Room

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1 611, Altmeyer Bldg., Baltimore, MD 21235. *See* Fed. R. Civ. P. 4(i)(2). *The United States*
2 *Marshal shall thereafter file a statement with the court that said documents have been served.*

3 IT IS SO ORDERED.

4 Dated: May 18, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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