

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KEVIN A. CLEVELAND,

Plaintiff,

No. 2:11-cv-0435 EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

_____ /

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. Although plaintiff was provided numerous opportunities to comply with the court's May 5 order, he ultimately failed to file a statement indicating that he had submitted the required documents to the United States Marshal. The court therefore dismissed this action for failure to prosecute. Dckt. No. 17. The case was closed and judgment was entered on August 28, 2012. Dckt. Nos. 17, 18. On September 14, 2012, after judgment had been entered, the United States Marshal filed a document indicating that the United States Marshal served process on the United States Attorneys' Office and the Office of Regional Chief Counsel for the Social Security Administration. Dckt. No. 19.

1 As judgment was entered on August 28, 2012, and plaintiff has not filed a motion for
2 relief from judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure, the court
3 disregards the United States Marshal's September 14, 2012 filing.

4 It is so ordered.

5 Dated: October 31, 2012.


6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26