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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,  
  
Plaintiff,  
  
v.  
  
B. FLEMING, et al.,  
  
Defendants.

No. 2:12-cv-0234 MCE AC P

ORDER

On July 18, 2013, the United States Marshal filed a return of service with a USM-285 form showing charges of \$74.78 for effecting personal service on defendant A. Murphy. The form reflected that a waiver of service form was mailed to defendant Murphy on April 24, 2013 and that no response was received. On August 7, 2013, defendant Murphy was ordered to either pay the United States Marshal the sum of \$74.78 for the cost of personal service, or file a written statement showing good cause for failure to waive service. ECF No. 49.

A response has been filed on defendant Murphy’s behalf. ECF No. 52. E. Fischer, Litigation Coordinator at the Office of Correctional Safety (OCS), declares under penalty of perjury that a waiver of service was not received at OCS as to defendant Murphy. Good cause

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1 appearing, the court's August 7, 2013 order is discharged. IT IS SO ORDERED.

2 DATED: August 26, 2013

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4 ALLISON CLAIRE  
5 UNITED STATES MAGISTRATE JUDGE

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