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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLAM WHITSITT,
Plaintiff,
v.
AMAZON.COM,
Defendant.

No. 2:14-0416 TLN CKD PS

ORDER

By order filed December 9, 2016, plaintiff was directed to provide to the United States Marshal, within fourteen days, all information needed by the Marshal to effect service of process, including all information required for proper service of summons under Federal Rule of Civil Procedure (h) and to file a statement with the court that said documents had been submitted to the United States Marshal, along with a copy of the information provided to the Marshal. Plaintiff failed to file the requisite statement. The court accordingly recommended that the action be dismissed.

Plaintiff has filed objections to the findings and recommendations. Plaintiff contends that he submitted the requisite documents to the United States Marshal. However, the postal receipt submitted by plaintiff does not demonstrate service on the Marshal nor does plaintiff demonstrate what documents were allegedly submitted to the Marshal. Plaintiff will therefore be granted an extension of time to fully comply with the court's order regarding submission of documents for

1 service of summons by the Marshal. Specifically, plaintiff is advised that he must comply with
2 the provision of the court's order requiring that he file a statement with the court that said
3 documents had been submitted to the United States Marshal, along with a copy of the information
4 provided to the Marshal, including a copy of the properly filled-out USM-285 form. If plaintiff
5 chooses to mail the documents to the United States Marshal, then he must do so by certified mail,
6 return receipt requested and also submit the proof of mailing to the court.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed January 18, 2017 (ECF No. 28) are vacated;
- 9 2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, and a
10 copy of the second amended complaint (ECF No. 13).
- 11 3. Plaintiff is granted an extension of time to February 17, 2017 to comply with the order
12 filed December 9, 2016 (ECF No. 27). Failure to comply with this order shall result in a
13 recommendation that this action be dismissed.

14 Dated: February 1, 2017



15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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