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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SALADIN RUSHDAN,	No. 2:14-cv-0853 KJN P
Plaintiff,	
v.	<u>ORDER</u>
DR. WIN, et al.,	
Defendants.	

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s April 6, 2015 motion for “service of summons and complaint and/or summary judgment against defendant Warden G. Swarthout.” (ECF No. 53.) Plaintiff moves the court for service of defendant Swarthout. If defendant Swarthout has been served, plaintiff moves for summary judgment as to this defendant.

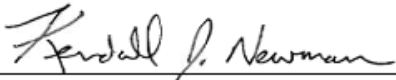
On December 4, 2014, the court directed the U.S. Marshal to serve defendants, including defendant Swarthout. (ECF No. 42.) On April 13, 2015, defendants Arnold, Austin, Beard, Fleischman, McAlpine, Wang and Win filed an answer. (ECF No. 55.)

Court records indicate that service on defendant Swarthout has not yet been executed. The U.S. Marshal has informed the court that it is still attempting to serve defendant Swarthout.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for service and/or
2 summary judgment as to defendant Swarthout (ECF No. 53) is denied as unnecessary.

3 Dated: April 30, 2015

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5 KENDALL J. NEWMAN
6 UNITED STATES MAGISTRATE JUDGE

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