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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS PIPER,
Plaintiff,
v.
HARVEYS CASINO, et al.,
Defendant.

No. 2:16-cv-2374 GEB CKD PS

ORDER

On April 28, 2017, this court issued findings and recommendations (ECF No. 17) recommending that this case be dismissed without prejudice due to plaintiff’s failure to provide the United States Marshal with the information needed to effect service of process on defendants. Subsequently, information was provided and waivers of service were returned executed on June 2, 2017 for defendants South Lake Tahoe Police Department and City of South Lake Tahoe. (ECF Nos. 22, 23.)

Prior to this execution, on May 12, 2017, plaintiff filed objections to the findings and recommendations and a motion to appoint counsel.¹ (ECF No. 21.) Plaintiff’s prior identical

¹ Any objection to the findings and recommendations are moot, as they are vacated. However, the May 12, 2017 filing is not an objection to the April 28, 2017 findings and recommendations. This filing is identical to plaintiff’s April 28, 2017 objections and motion to appoint counsel. (ECF No. 19). The objections and motion were first made in response to the prior recommendation that defendants Harveys Casino and Barton Hospital be dismissed (ECF NO 6.), which was adopted and ordered by the District Court Judge on April 27, 2017. (ECF No. 18).

1 motion to appoint counsel (ECF No. 19) was denied on May 3, 2017. (ECF No 20.)

2 Accordingly, IT IS HEREBY ORDERED that:


3 1. The court's April 28, 2017 findings and recommendations (ECF No. 17) are

4 VACATED as moot.

5 2. Plaintiff's May 12, 2017 motion to appoint counsel is DENIED as moot.

6 IT IS SO ORDERED.

7 Dated: June 6, 2017



8 CAROLYN K. DELANEY
9 UNITED STATES MAGISTRATE JUDGE

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11 14/16-2374 PIPER v. HARVEYS - Order Vacating F&R and Denying MFC

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