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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   MUDDSAR KHAN,   No. 2:17-cv-02169-MCE-GGH

12   Plaintiff,

13   v.   ORDER

14   M. HITCHCOCK, Officer, et. al.,

15   Defendants.

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17   Plaintiff appears in this action in pro se and in forma pauperis. On March 14, 2018 the

18   court extended plaintiff's time to effect service of his amended complaint for a period of 30 days.

19   ECF No. 13. At the end of that 30 day period plaintiff sought another extension of time to so

20   serve, but left the time period for the extension he sought open-ended stating that the prosecutor

21   in a state court action still had failed to proceed with trial and plaintiff was unable to determine

22   when that action would proceed.

23   In light of plaintiff's explanation of the circumstances underlying his request, the court

24   will extend time without a final end date upon which service must be effected,[1] so long as

25   plaintiff notifies the court every 60 days of the status of the pending state action. Upon notice

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27   _____

[1] This relief from the duty to serve the complaint cannot, however, go on endlessly and, at some
point, it may become necessary for the court to dismiss the complaint for failure to prosecute,
28   after giving plaintiff notice and an opportunity to complete service.

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1   that the state case has been resolved the court will provide service instructions.

2   Good cause appearing therefor IT IS HEREBY ORDERED that:

3   1.   Plaintiff shall have an unspecified amount of time to effect service of the

4   complaint in this matter on the condition that he notify the court 60 days from the date of this

5   Order, and every 60 days thereafter, of the status of his pending state action.

6   2.   Plaintiff is warned that failure to provide the notices required above may result in a

7   recommendation that this matter be dismissed with prejudice.

8   IT IS SO ORDERED.

9   Dated: April 11, 2018

10   /s/ Gregory G. Hollows
                     UNITED STATES MAGISTRATE JUDGE