

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA DENISE PRINGLE,

No. 2:17-cv-02206-GEB-AC

Plaintiff,

ORDER

AMANDRA GENTRY, et al.,

Defendants.

This matter is before the court on plaintiff's ex-parte motion to enforce compliance with this court's order regarding service. ECF No. 10. Plaintiff is proceeding in this matter pro se, and accordingly this motion was referred to the undersigned pursuant to Local Rule 302(c)(21). For the reasons that follow, plaintiff's request is DENIED as premature.

I. RELEVANT FACTUAL AND PROCEDURAL HISTORY

Plaintiff filed her complaint on October 23, 2017. ECF No. 1. On October 30, 2017, the court issued an order directing the U.S. Marshal to serve the complaint within 90 days of the order. ECF No. 3 at 2.

II. THE MOTION

On January 21, 2017, plaintiff filed a motion to compel compliance with the court's order at ECF No. 3, asserting that the U.S. Marshal did not timely effectuate service. ECF No. 10. Plaintiff asserts that the deadline for service was January 21, 2018. Id. at 3. Plaintiff

1 requests an extension of the service deadline and an extension of the date set for an initial status
2 conference. Id. at 4.

3 **III. ANALYSIS**

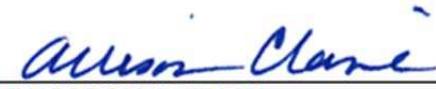
4 Plaintiff's motion is denied because it is premature. Time periods set in days are
5 calculated according to Federal Rule of Civil Procedure 6(1). By the court's calculation, 90 days
6 from October 30, 2017 is Sunday, January 28, 2018. Pursuant to Rule 6 (1)(C), because the
7 period ends on a Sunday, the U.S. Marshals have until Monday, January 29, 2018 to complete
8 service. Thus, plaintiff's motion is premature.

9 **IV. CONCLUSION**

10 For the reasons stated above, the court DENIES plaintiff's motion, ECF No. 10, without
11 prejudice as premature.

12 IT IS SO ORDERD.

13 DATED: January 22, 2018

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE

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