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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE KAPPES, III,
Plaintiff,
v.
NANCY A. BERRYHILL, Acting
Commissioner of Social Security,
Defendant.

No. 2:18-cv-0002 JAM DB

ORDER

On January 23, 2018, the undersigned granted plaintiff's motion to proceed in forma pauperis and ordered plaintiff to submit to the United States Marshal the documents necessary for service of process. (ECF No. 3.) On September 26, 2018, the undersigned issued findings and recommendations, recommending that this action be dismissed due to plaintiff's failure to prosecute stemming from plaintiff's apparent failure to submit documents necessary for service of process on the defendant to the United States Marshal. (Id. at 1.)

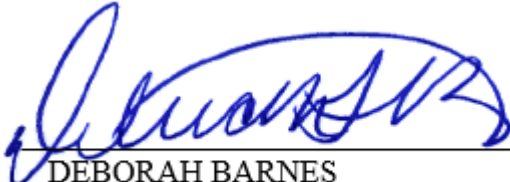
However, on October 17, 2018, defendant filed a consent to jurisdiction of United States Magistrate form. (ECF No. 8.) In this regard, it appears plaintiff may have submitted the documents necessary for service of process on the defendant, and that defendant may have been served with process.

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Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of this order defendant shall file a memorandum addressing: (1) whether defendant has been served with process; and (2) whether defendant intends to defend this action and file the administrative record within 90 days.

Dated: November 16, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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