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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

HOMER O. REED,

Plaintiff,

v.

PEGGY MARTINEZ,

Defendant.

Case No. 2:15-cv-00142-APG-PAL

**ORDER**

(Mot. for Service – ECF No. 23)

This matter is before the court on Plaintiff Homer O. Reed’s Motion for Service (ECF No. 23), filed August 19, 2016. On August 1st, the court issued a subpoena *deuces tecum* to Aramark requiring the custodian of records for Aramark to disclose the last known address and telephone number for Defendant Peggy Martinez directly to the U.S. Marshals Service (“USM”). *See* Order (ECF No. 19). The court further ordered the USM to “use the information received from the custodian of records to attempt to serve the summons and complaint on Defendant Martinez.” *Id.* at 5. In the current motion, Mr. Reed acknowledges the court’s Order but incorrectly states that the court ordered him to ask the Clerk of the Court to issue a subpoena. Pursuant to the court’s instructions in the Order, the Clerk issued a subpoena to Aramark on August 3rd. *See* Subpoena (ECF No. 22). Therefore, there is no need for Plaintiff to ask the Clerk for a subpoena. The current motion is denied as moot. The other instructions and deadlines stated in the Order (ECF No. 19) remain in effect.

Accordingly,

**IT IS ORDERED:**

1. Plaintiff Homer O. Reed’s Motion for Service (ECF No. 23) is DENIED as moot.
2. The other instructions and deadlines stated in the Order (ECF No. 19) remain in effect:

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- a. Mr. Reed must file a notice with the court identifying whether Defendant Martinez was served within 14 days after receiving the executed Form USM-285.
- b. If the USM is unable to serve Defendant Martinez, and Mr. Reed wishes to have service attempted again, he must file a timely motion specifying a more detailed name and/or address for her, or whether some other manner of service should be attempted.
- c. Mr. Reed's failure to comply with this Order by serving Defendant Martinez by **November 3, 2016**, will result in a recommendation to the district judge that this case be dismissed without prejudice.

Dated this 19th day of September, 2016.

  
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PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE