

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH R. FLORES,

Plaintiff,

V.

JAN MORGGEN, et al.,

Defendants.

No. C08-5621 RJB/KLS

ORDER DENYING MOTION FOR LATE
SERVICE

This matter is before the Court on Plaintiff's Motion for Late Service. Dkt. 68. In it,

Plaintiff Joseph R. Flores requests an order allowing late service on the “first named defendants” because he was awaiting acceptance of his First Amended Complaint. *Id.*

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Mr. Flores was ordered to amend his complaint on June 26, 2009. Dkt. 62. After he filed his First Amended Complaint (Dkt. 64), the court issued an Order Directing Service by the U.S. Marshal of any newly named defendants. Dkt. 67. To the extent Mr. Flores seeks to serve the defendants named in his original complaint, the only defendant who is included in the First Amended Complaint who was previously included in the original complaint, is Defendant Jan Morgan. Ms. Morgan is represented by counsel and was previously served with the original complaint. Thus, no formal service of the First Amended Complaint upon Ms. Morgan is required. Dkts. 30 and 69. All other defendants previously named in Mr. Flores' original

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1 complaint were terminated from the matter when he filed his First Amended Complaint. Dkt. 64.

2 All newly named defendants in the First Amended Complaint (Dkt. 64) have filed their waivers
3 of service and all are represented by counsel.

4 Accordingly, it is **ORDERED**:

5 (1) Plaintiff's motion to allow late service (Dkt. 68) is **DENIED**.

6 (2) The Clerk of the Court is directed to copies of this order to Plaintiff and counsel
7 for Defendants.

8 **DATED** this 20th day of October, 2009.

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12 Karen L. Strombom
13 United States Magistrate Judge