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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AARON RAISER,)	CASE NO. CV 13-02925 RGK (RZ)
)	
Plaintiff,)	
)	ORDER ACCEPTING FIRST
vs.)	INTERIM REPORT AND
)	RECOMMENDATION
CITY OF LOS ANGELES, ET AL.,)	
)	
Defendants.)	
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The Court has reviewed the file in this matter, including the January 3, 2014 First Interim Report and Recommendation of United States Magistrate Judge and Plaintiff’s brief Objections to the Report, filed on January 27, 2014. Stated briefly, the Report urges the dismissal of several never-appearing defendants from the action, including LAPD officers Jester and Lin and DOEs 1-8.

Plaintiff now asserts that Jester and Lin were served with process on October 1, 2013. (Even that date is past his already-extended deadline for service of process. The initial deadline was August 22 but was extended to September 30.) He attaches copies of proofs of such service, made upon a named “Subpoena Clerk” at an LAPD office in Canoga Park. Plaintiff adds that his “process server failed to send these to Plaintiff until December 2013[.]” He does not explain why he took half a year, after this action began in April 2013, to serve process on two public officials whose names and


1 office location he knew from the beginning. He also does not explain why he failed to file
2 the proofs until nearly the end of January, presumably prompted by the Report, instead of
3 immediately after belatedly receiving them in December. And perhaps most importantly,
4 he supplies no good cause for his failure to prosecute the action against Lin and Jester, at
5 least once he learned in December that his process server had served them.

6 As to the DOES, Plaintiff blithely argues in his Objections that he does not
7 know who they are and that he will need several months of discovery before he does. He
8 calls this “excusable neglect,” but the Court discerns only neglect. After commencing this
9 action in April 2013, Plaintiff did not even seek *issuance* of a Summons until four months
10 later, in August, about two weeks before his later-extended August 23 service deadline.
11 Plaintiff could and should have taken diligent steps far sooner to discover the identity of
12 the DOES. The Court will not allow defendants, including DOE defendants, to remain
13 seemingly indefinitely on the docket, unserved.

14 With the foregoing observations, the Court accepts the findings and
15 recommendations in the First Interim Report.

16 Accordingly, it is ORDERED that the following defendants are dismissed
17 from the action for Plaintiff’s failure to prosecute as to them: James Jester, David Lin and
18 DOES 1-8.

19 DATED: February 13, 2014

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22 R. CARY KLAUSNER
23 UNITED STATES DISTRICT JUDGE
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