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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JAMES B. HAMILTON,	)	Case No. EDCV 13-0416-DOC (DTB)
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE
	)	
vs.	)	
	)	
RIVERSIDE SHERIFF DEPT,	)	
ET AL.,	)	
	)	
Defendants.	)	
	)	
	)	

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Plaintiff filed this pro se civil rights action on January 2, 2013, in the Northern District of California. On February 28, 2013, the matter was transferred to the Central District of California, Eastern Division. This Court received the original file and transfer order on March 6, 2013. This Court granted plaintiff's Request to Proceed In Forma Pauperis on March 14, 2013 and plaintiff's Complaint was filed in the Eastern Division on that date. Named in the Complaint as defendants were the following: Riverside County Sheriff's Department; Robert Presley Detention Center/Medical; Riverside County Regional Medical Center; Transporting Deputies; and Patricia Knudson, Captain RPDC.

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1 In accordance with 28 U.S.C. § 1915(e)(2), the Court screened the Complaint  
2 prior to ordering service for purposes of determining whether the action was frivolous  
3 or malicious; or failed to state a claim on which relief might be granted; or sought  
4 monetary relief against a defendant who was immune from such relief. After careful  
5 review and consideration of the allegations of the Complaint under the relevant  
6 standards, the Court found that its allegations were insufficient to state a claim on  
7 which relief might be granted for violation of plaintiff's federal civil rights.  
8 Accordingly, on April 8, 2013, the Court issued an Order Dismissing Complaint With  
9 Leave to Amend. Plaintiff was advised that if he still desired to pursue this action,  
10 he was ordered to file a First Amended Complaint within 30 days remedying the  
11 deficiencies discussed in the dismissal order.

12 On June 11, 2013, plaintiff filed a First Amended Complaint ("FAC") herein.  
13 Named as defendants in the FAC are two unnamed transportation officers; one  
14 unnamed intake officer; unnamed doctors named as "medical" at the Robert Presley  
15 Detention facility; and Riverside General Memorial Hospital.

16 On June 20, 2013, the Court ordered service of the FAC on defendant  
17 Riverside General Memorial Hospital. On July 11, 2013, plaintiff filed his Notice of  
18 Submission of Documents. On August 26, 2013, the United States Marshal Service  
19 returned the USM-285 form as unexecuted. As of this date, defendant Riverside  
20 General Memorial Hospital has not been served with the Summons and FAC.

21 Pursuant to Federal Rule of Civil Procedure 4(m), if a defendant is not served  
22 within 120 days after the complaint is filed, the court - on motion or on its own after  
23 notice to the plaintiff - must dismiss the action without prejudice against that  
24 defendant or order that service be made within a specified time. But if the plaintiff  
25 shows good cause for the failure, the court must extend the time for service for an  
26 appropriate period. The 120-day period to serve the First Amended Complaint  
27 expired on October 9, 2013.

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1 To date, no proof of service has been filed, reflecting service on defendant  
2 Riverside General Memorial Hospital.

3 Thus, it appears that defendant Riverside General Memorial Hospital has not  
4 been served. Accordingly, pursuant to Rule 4(m) of the Federal Rules of Civil  
5 Procedure and Local Rule 41-1,

6 IT IS ORDERED that, on or before November 15, 2013, plaintiff shall show  
7 good cause, if there be any, why service was not made within the 120-day period and  
8 why this case should not be dismissed without prejudice for want of prosecution as  
9 to defendant Riverside General Memorial Hospital. Plaintiff shall attempt to show  
10 such cause by filing a declaration, signed by plaintiff under penalty of perjury. **If**  
11 **plaintiff does not timely file such a declaration or if plaintiff fails to show good**  
12 **cause for his failure to timely serve, the Court will recommend that this action**  
13 **be dismissed without prejudice for plaintiff's failure to prosecute.** See Fed. R.  
14 Civ. P. 4(m); Local Rule 41-1; Link v. Wabash R.R., 370 U.S. 626, 629-30, 82 S. Ct.  
15 1386, 8 L. Ed. 2d 734 (1962).

16  
17 DATED: November 6, 2013



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19  
20 DAVID T. BRISTOW  
UNITED STATES MAGISTRATE JUDGE