

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 17-1135-JFW (KK)**

Date: August 8, 2017

Title: ***Jack Robert Smith v. Harry Oreol, et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

DEB TAYLOR

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order re Notice of Dismissal [Dkt. 15]

The Court is in receipt of Plaintiff's request to proceed against defendant Jesse Henderson in his individual capacity for violations of Plaintiff's Fourteenth Amendment right as alleged in the Second Amended Complaint and to voluntarily dismiss all remaining claims from the Second Amended Complaint ("Request"). ECF Docket No. 15. Plaintiff's Request is GRANTED.

IT IS THEREFORE ORDERED THAT:

1. Defendant Mercy Poulson be dismissed from the action; and
2. **The Clerk of Court issue the summons regarding Plaintiff's Second Amended Complaint.** Plaintiff shall have **ninety (90) days** from the date of the Order to have defendant Henderson served with a copy of the summons and Second Amended Complaint pursuant to Federal Rule of Civil Procedure 4 and to file a proof of service with the Court.

Plaintiff is expressly cautioned that failure to timely file a proof of service will result in this action being dismissed with prejudice for failure to serve, prosecute, and/or obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).