(PC) McMaster v. Yates, et al Doc. 47

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Dana McMaster, Plaintiff, vs. Doctor Thomas, et al., Defendants.	No. CV 1-04-6453-FRZ **Order**

In January of 2010, the Court issued an Order directing one last attempt to serve several Defendants in this case. Among these named Defendants was "Mr. Combs" (a.k.a., "Adam Coombs, X-Ray Technician"). The Court received a "Process Receipt and Return" from the U.S. Marshals where they attempted further service on this Defendant, but such service was unsuccessful due to the fact that this Defendant has been in a medical coma for the past two years. *See* Doc. #46 ("per special investigation at office of legal affairs, in medical coma for past 2 years"). As it appears that this Defendant can not participate in his own defense and any further attempts at proper service would be futile, IT IS HEREBY ORDERED that "Mr. Combs" (a.k.a., "Adam Coombs, X-Ray Technician") is dismissed from this case without prejudice.[1]

DATED this 17th day of February, 2010.

FRANK R. ZAPATA
United States District Judge

[1] The Court notes that this Court, among many others, voluntarily accepted 15 cases from the Eastern District of California as part of the effort to expedite the backlog of pro se prisoner cases in the Eastern District of California. Upon receiving this 2004 case in November of 2008 when it was reassigned to this Court, none of the Defendants had been served and the Court is unfortunately still awaiting results on attempted service as to two other remaining Defendants. The service problems in these cases result in long delays in moving these cases forward, clogs the Court's already heavy docket, and defeats the purpose of voluntarily accepting cases from the Eastern District of California.

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