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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAYMOND WRIGHT,

CASE NO. 1:05-cv-01485-BAM PC

Plaintiff,

ORDER DISMISSING DOE DEFENDANT
FROM ACTION, WITHOUT PREJUDICE

v.

RUMBLES, et al.,

Defendants.

Plaintiff Raymond Wright (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the second amended complaint, filed November 21, 2006, against Defendants Rumbles and Doe for excessive force in violation of the Eighth Amendment. The deadline to file amended pleadings in this action was March 14, 2011. Plaintiff did not file an amended complaint identifying John Doe.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff has failed to identify John Doe so that the United States Marshal could serve a summons and the complaint and the deadline to amend the complaint has passed.

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1 According to, it is HEREBY ORDERED that John Doe is DISMISSED from this action,
2 without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

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4 IT IS SO ORDERED.

5 Dated: January 5, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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