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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD WARD,

1:06-cv-00311-AWI-SMS-PC

Plaintiff,

ORDER TO SHOW CAUSE WHY DOE
DEFENDANTS SHOULD NOT BE
DISMISSED FROM THIS ACTION

v.

VOSS, et al.,

RESPONSE FROM PLAINTIFF DUE IN
THIRTY DAYS

Defendants.

Ronald Ward (“plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on March 21, 2006. (Doc. 1)

On October 16, 2008, the Court issued an order for this action to proceed on plaintiff’s Complaint dated March 21, 2006, against the defendants named in the Complaint. (Doc. 13.) Plaintiff named as defendants Tom Voss, Barbara Devine, Brian Bowely, Kim Wyatt, September Winchell, Ryan Argulio, Rocky Spurgeon, Jim Robinson, Patrick Daley, James Walter, Gary Renzaglia, and J. Does 1-99 (“Defendants”).

On May 2, 2007, the court forwarded documents to plaintiff with instructions to complete and return them to the court for service of process on Defendants. (Doc. 14.) Plaintiff was advised that he must identify each Doe defendant sufficiently for the United States Marshal to

1 serve him with a summons and copy of the Complaint. (Doc. 14 at 2:5-7.) Plaintiff was
2 informed that if he did not provide enough information, service could not go forward, and
3 unsuccessful service may result in these defendants being dismissed. (Id. at 2:7-12.) On March
4 9, 2009, plaintiff returned the forms to the court. (Doc. 17.) On March 17, 2009, the court
5 ordered the United States Marshal to initiate service of process upon Defendants. (Doc. 40.)

6 On June 4, 2009, defendants Barbara Devine, Brian Bowely, Kim Wyatt, September
7 Winchell, Ryan Arguilio, Rocky Spurgeon, Jim Robinson, Patrick Daley, James Walter, and
8 Gary Renzaglia filed an answer to the Complaint. (Doc. 21.) On August 13, 2009, defendant
9 Tom Voss filed an answer to the Complaint. (Doc. 24.)

10 On July 27, 2009, the Marshal filed a return of service unexecuted as to defendants J.
11 Does 1-99, with a notation that they were unable to identify these defendants. (Doc. 25.) To
12 date, plaintiff has not notified the court of the identity of any of the Doe defendants. Therefore,
13 plaintiff shall be ordered to show cause why defendants J. Does 1-99 should not be dismissed
14 from this action. Within thirty days, plaintiff shall file a written response with the court
15 explaining why defendants J. Does 1-99 should not be dismissed. In the alternative, plaintiff may
16 file a non-opposition to the dismissal of defendants J. Does 1-99.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Within thirty days from the date of service of this order, plaintiff shall file a
19 written response showing cause why defendants J. Does 1-99 should not be
20 dismissed from this action;
- 21 2. In the alternative, plaintiff may file a written non-opposition to the dismissal of
22 defendants J. Does 1-99; and
- 23 3. Plaintiff's failure to comply with this order shall result in a recommendation that
24 this action be dismissed.

25
26 IT IS SO ORDERED.

27 Dated: March 1, 2010

28 /s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE