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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAAHDI COLEMAN,
Plaintiff,
v.

CASE NO. 1:06-cv-00836-AWI-GBC (PC)
ORDER TO SHOW CAUSE WHY
DEFENDANT DEERING SHOULD NOT BE
DISMISSED FROM THIS ACTION

DERRAL G. ADAMS, et al.,
Defendants.

(Doc. 27)
RESPONSE FROM PLAINTIFF DUE IN
THIRTY DAYS

_____ /

Plaintiff Saahdi Coleman (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The Court found that Plaintiff’s complaint stated cognizable claims against Defendants Adams, Divine, Martinez, Close, Suryadevara, Kyle, Nguyen, Deering, Quezada, Smith, and Vierra for deliberate indifference to his medical needs. Doc. 18; Doc. 22.¹

On June 16, 2009, the Court forwarded documents to Plaintiff with instructions to complete and return them to the Court for service of process on the Defendants. Doc. 21. After Plaintiff returned the completed documents, on June 30, 2009, the Court ordered the United States Marshal to initiate service of process upon Defendants. Docs. 24. On August 24, 2009, summons was returned unexecuted as to Defendant Deering with a notation that Defendant Deering had died. Doc. 27.

Thus, Defendant Deering was not successfully served and has not appeared in this action.

¹ There is no indication on the docket that service was ever attempted on Defendants Close and Quezada.

1 Therefore, Plaintiff shall be ordered to show cause why Defendant Deering should not be dismissed.
2 Within thirty days, Plaintiff shall file a written response with the Court explaining why Defendant
3 Deering should not be dismissed from this action for failure to successfully complete service of
4 process. In the alternative, Plaintiff may file a non-opposition to the dismissal of Defendant Deering.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Within thirty days from the date of service of this order, Plaintiff shall file a written
7 response showing cause why Defendant Deering should not be dismissed from this
8 action for failure to successfully complete service of process;
- 9 2. In the alternative, Plaintiff may file a written non-opposition to the dismissal of
10 Defendant Deering; and
- 11 3. Plaintiff's failure to comply with this order shall result in a recommendation that this
12 action be dismissed.

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14 IT IS SO ORDERED.

15 Dated: August 23, 2012

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18 UNITED STATES MAGISTRATE JUDGE
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