

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WADE BUSH,

Plaintiff,

v.

JAMES A. YATES, et al.,

Defendants.

CASE NO. 1:06-cv-01904-AWI-SMS PC

ORDER DIRECTING CLERK’S OFFICE TO RE-SERVE ORDER 45 AND A COPY OF THE SECOND AMENDED COMPLAINT ON PLAINTIFF AT SCC

(Doc. 45)

ORDER REQUIRING PLAINTIFF TO COMPLY WITH ORDER OF APRIL 10, 2009, WITHIN THIRTY DAYS, OR SANCTIONS WILL BE IMPOSED

(Doc. 43)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Wade Bush, a state prisoner proceeding pro se and in forma pauperis. Pursuant to the Court’s order filed April 9, 2009, this action is proceeding on Plaintiff’s second amended complaint against Defendant Price for retaliation in violation of the First Amendment, and against Defendants Ortiz, Benyamin, Foreman, McCoy, Mattern, Coleman, Manasra, Duenas, Rutter, Walls, and Robinson for denial of medical care in violation of the Eighth Amendment. On April 10, 2009, the Court issued an order requiring Plaintiff to complete and return USM-285 forms and summonses for the twelve defendants, and to submit thirteen copies of his second amended complaint so that service of process may be initiated.

Plaintiff did not comply with the order and on July 2, 2009, the Court ordered Plaintiff to show cause why this action should not be dismissed. Plaintiff filed a response on July 13, 2009, and

1 the Court discharged its order to show cause. On July 31, 2009, the Court granted Plaintiff's motion
2 for an extension of time to comply with the order to submit service documents, and on September
3 25, 2009, the Court granted Plaintiff's motion for a copy of the second amended complaint.

4 To date, Plaintiff has not complied with the order to submit service documents and copies
5 of the second amended complaint. Plaintiff filed a notice of change of address on October 8, 2009,
6 and based on the timing of that filing, Plaintiff may not have received the Court's order of September
7 25, 2009, although the order was not returned as undeliverable.

8 The Clerk's Office shall re-serve the order filed on September 25, 2009, along with a copy
9 of the second amended complaint. Plaintiff has thirty days from the date of service of this order to
10 comply with the Court's order of April 10, 2009, by submitting service documents for the twelve
11 defendants and thirteen copies of his complaint. If Plaintiff fails to comply with or otherwise
12 respond to this order, sanctions will result, and may include dismissal of this action for failure to
13 prosecute.

14 Accordingly, it is HEREBY ORDERED that:

- 15 1. The Clerk's Office shall re-serve the order filed September 25, 2009, and shall
16 include a copy of Plaintiff's second amended complaint; and
- 17 2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall comply
18 with the Court's order of April. 10, 2009, or sanctions will be imposed.

19
20 IT IS SO ORDERED.

21 **Dated:** January 27, 2010

22 /s/ Sandra M. Snyder
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28