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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS CAVNER,

1:07-cv-00184-GSA-PC

Plaintiff,

ORDER REQUIRING DEFENDANT
VOSS TO FILE ANSWER TO COMPLAINT
WITHIN THIRTY DAYS
(Doc. 1.)

v.

ERICA WEINSTEIN, et al.,

THIRTY DAY DEADLINE

Defendants.

_____/

Thomas Cavner (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on February 2, 2007. (Doc. 1.) The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and on June 7, 2010, the case was reassigned to United States Magistrate Judge Gary S. Austin to conduct any and all further proceedings in the case, including trial and entry of final judgment. (Docs. 35, 39, 40.) This case now proceeds on Plaintiff’s original complaint, against defendants Erica Weinstein and Thomas Voss, for failing to provide Plaintiff with adequate medical treatment, in violation of the Eighth Amendment.

On November 9, 2010, in response to the Court’s order of October 20, 2010, defendant Weinstein filed a pretrial statement. (Doc. 45.) In the pretrial statement, defendant Weinstein asserts that defendant Voss has not been served in this action. (Id. at 2:7-8.)

1 The Court notes that defendant Voss appeared in this action on August 25, 2008, via a motion
2 to dismiss filed by defendants Weinstein and Voss.¹ (Doc. 19.) On April 10, 2009, defendant
3 Weinstein filed an answer to the complaint. (Doc. 30.) A review of the record shows that defendant
4 Voss did not join defendant Weinstein's answer or file any other answer. Defendant Voss shall now
5 be required to file an answer.

6 Accordingly, IT IS HEREBY ORDERED that defendant Voss shall file an answer to the
7 complaint, within thirty days from the date of service of this order.

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9 IT IS SO ORDERED.

10 **Dated: November 10, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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26 ¹Defendant Voss was not successfully served in this action. (Doc. 13.) On July 15, 2008, the Court issued
27 an order for Plaintiff to show cause why defendant Voss should not be dismissed from this action based on failure to
effect service. (Doc. 17.) On August 25, 2008, defendants Weinstein and Voss filed a motion to dismiss. (Doc. 19.)
Based on defendant Voss's appearance in this action via the motion to dismiss, the Court vacated its order to show
cause. (Doc. 23.)