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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 SID LANDAU,

1:07-CV-00815-AWI-DLB PC

12 Plaintiff,

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY DEFENDANT WENDY ALLEN
SHOULD NOT BE DISMISSED FROM THIS
ACTION FOR PLAINTIFF'S FAILURE TO
PROSECUTE

13 v.

14 W. T. VOSS, et al.,

15 Defendants.

THIRTY DAY DEADLINE

16 _____ /
17 Sid Landau ("Plaintiff") is a civil detainee proceeding pro se in this civil rights action
18 pursuant to 42 U.S.C. § 1983, alleging Defendants violated his rights under the Fourteenth
19 Amendment. Plaintiff filed this action on June 4, 2007. Only Defendants Adcock, Forrest, and
20 Allen remain in this action.

21 **I. Background**

22 On April 11, 2008, the Court issued an order directing the United States Marshal to serve
23 process in this action upon Defendants. (Doc. 14.) On March 24, 2009, a Waiver of Service
24 signed by Defendant Wendy Allen on March 4, 2009 was filed with the Court, giving Defendant
25 Wendy Allen sixty days from March 4, 2009, in which to file an answer or motion under Federal
26 Rule of Civil Procedure 12 in response to Plaintiff's complaint. (Doc. 28.) More than a year has
27 passed, and Defendant Allen has not filed an answer, a motion under Rule 12, or any other
28 response to Plaintiff's complaint. (See Court Docket.) Plaintiff has not filed a motion under

1 Federal Rule of Civil Procedure 55 regarding Defendant Allen. (*Id.*)

2 **II. Order To Show Cause**

3 Within thirty days from the date of service of this order, Plaintiff shall show cause why
4 Defendant Wendy Allen should not be dismissed from this action for Plaintiff's failure to
5 prosecute against her.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. Within thirty days from the date of service of this order, Plaintiff shall file a
8 written response to the court, showing cause why Defendant Wendy Allen should
9 not be dismissed from this action for Plaintiff's failure to prosecute against her;
10 and
11 2. Plaintiff's failure to comply with this order shall result in a recommendation of
12 dismissal of Defendant Wendy Allen from this action.

13 IT IS SO ORDERED.

14 **Dated: September 8, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE