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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWARD DEMERSON,

Plaintiff,

v.

JEANNE S. WOODFORD, et al.,

Defendants.

CASE NO. 1:08-cv-00144-LJO-SKO PC

ORDER REQUIRING DEFENDANTS
GREGORY AND HILLARD TO SHOW
CAUSE WITHIN THIRTY DAYS
WHY DEFAULT SHOULD NOT BE
ENTERED AGAINST THEM

(Docs. 85 and 86)

ORDER DIRECTING CLERK'S OFFICE TO
SERVE COURTESY COPY ON LITIGATION
OFFICE AT CSATF AND ON CDCR LEGAL
AFFAIRS

_____ /

On May 12, 2011, the United States Marshal effected personal service on Defendants Gregory and Hillard, along with Defendants Amaro, Bardonnex, Campose, Cartagena, Clausing, Munoz, and Philips. Defendants' response to Plaintiff's second amended complaint was due on or before June 6, 2011. Fed. R. Civ. P. 12(a), 6(d). On June 2, 2011, Defendants Amaro, Bardonnex, Campose, Cartagena, Clausing, Munoz, and Philips sought an extension of time to file a response to Plaintiff's second amended complaint, which was granted. However, Defendants Gregory and Hillard did not join in the request¹ and did not make an appearance.

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¹ Although counsel included an explanatory footnote, the record indicates that Defendants were personally served and the presumption that proper service was effected cannot be overcome by a footnote.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Within **thirty (30) days** from the date of service of this order, Defendants Gregory
3 and Hillard shall show cause why default should not be entered against them;
- 4 2. To facilitate their ability to comply with this order, Defendants Gregory and Hillard's
5 obligation to respond to the second amended complaint is extended thirty (30) days
6 from the date of service of this order; and
- 7 3. The Clerk's Office shall serve a courtesy copy of this order on the Litigation Office
8 at the California Substance Abuse Treatment Facility and on the Legal Affairs
9 Division of the California Department of Corrections and Rehabilitation.

10
11 IT IS SO ORDERED.

12 **Dated: June 7, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE