

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

MICHAEL ANDRE TODD,

CASE NO. 1:08-cv-01504-GBC (PC)

Plaintiff,

REQUEST FOR STATUS REGARDING
DEFENDANT DILL AND PENDING
SUMMARY JUDGMENT MOTION

v.

ANTHONY L. HEDGPETH, et al.,

(Docs. 47, 54)

Defendants.

THIRTY DAY DEADLINE

_____ /

Plaintiff Michael Andre Todd (“Plaintiff”), is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 6, 2008. Doc. 1. The Court screened Plaintiff’s original complaint pursuant to 28 U.S.C. § 1915A, and found that it stated cognizable claims against defendants: 1) Dill; 2) Keldgord; 3) Hedgpeth; and 4) Lopez (“Defendants”) for deliberate indifference to Plaintiff’s serious medical needs in violation of the Eighth Amendment. Docs. 13, 15, 16. Plaintiff gave notice to the Court of his willingness to proceed on the cognizable claims found in the original complaint. Doc. 14.

On August 26, 2010, the United States Marshal returned the summons and USM-285 form for Defendant Dill, unexecuted. The Marshal attempted to secure a waiver of service and then attempted personal service, but was unsuccessful. On January 20, 2011, the Court ordered the United States Marshal to re-attempt service on Defendant Dill. Doc. 46. On March 15, 2011, the three served defendants (Keldgord, Hedgpeth and Lopez) filed a motion for summary judgment. Doc. 47. On May 16, 2011, Defendant Dill answered Plaintiff’s civil rights complaint and the same

1 attorney for the initial defendants was added to represent Defendant Dill. (Doc. 54).

2 A discovery and scheduling order has not been issued to Defendant Dill. The Court requests
3 that within THIRTY (30) days of service of this order, the attorney for the Defendants file a status
4 report about indicating how much time is needed for Defendant Dill with respect to deadlines for
5 discovery, unenumerated 12(b) motion and dispositive motions. Additionally, the Court requests
6 that within THIRTY (30) days of service of this order, Defendants' attorney file a notice regarding
7 whether Defendants wish to withdraw and refile the motion for summary judgment to include
8 Defendant Dill.

9
10 IT IS SO ORDERED.

11 Dated: November 14, 2011


12 _____
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28