

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

BARRY LAMON,

Plaintiff,

v.

JOHN TILTON, et al.,

Defendants.

CASE NO. 1:09-cv-00157-AWI-SKO PC

ORDER REQUIRING DEFENDANT  
MAYUGBA TO COMPLY WITH PREVIOUS  
ORDER DIRECTING A REPLY TO THE  
COMPLAINT

(Docs. 30 and 31)

FORTY-FIVE DAY DEADLINE

\_\_\_\_\_ /

Plaintiff Barry Lamon, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 26, 2009. This action is proceeding on Plaintiff's First Amendment retaliation claim against Defendant Birkholm and Plaintiff's Eighth Amendment medical care claim against Defendants Birkholm, Mayugba, and Schutt.

The United States Marshal was directed to initiate service on June 30, 2011, and on August 17, 2011, Defendant Mayugba filed a waiver of reply. 42 U.S.C. § 1997e(g)(1). Pursuant to the Court's order of June 30, 2011, Defendant is required to reply to the complaint. 42 U.S.C. § 1997e(g)(2). (Doc. 30, ¶6.) Therefore, Defendant SHALL file the reply in compliance with the order within **forty-five (45) days** from the date of service of this order.

///  
///  
///  
///

1           Additionally, as a waiver of service of the summons and complaint has not yet been filed in  
2 this case, Defendant is directed as a courtesy to paragraph 5 of the June 30, 2011, order. If the  
3 waiver form is not returned to the USM and personal service is effected, the cost of personal service  
4 will be taxed against Defendant, notwithstanding the filing of a response to the complaint. (Id.)

5  
6 IT IS SO ORDERED.

7 **Dated:** August 18, 2011

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE