

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

ANGEL H. HERNANDEZ,

Plaintiff,

v.

CHRIS JORDAN, et al.,

Defendants.

CASE NO. 1:09-cv-00268-LJO-SMS PC

ORDER REQUIRING DEPUTY COSTNER TO  
SHOW CAUSE WHY DEFAULT SHOULD  
NOT BE ENTERED AGAINST HIM

(Doc. 17)

FIFTEEN-DAY DEADLINE

ORDER REQUIRING CLERK'S OFFICE TO  
SEND COURTESY COPIES OF ORDER BY  
MAIL TO DEPUTY COSTNER AND KINGS  
COUNTY COUNSEL'S OFFICE

\_\_\_\_\_ /

Plaintiff Angel H. Hernandez, a state prisoner proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 and California law on February 11, 2009. This action is proceeding on Plaintiff's amended complaint against Defendants Costner and Doe 1 for use of excessive force, in violation of the Fourteenth Amendment, and for negligence under California law. 28 U.S.C. § 1915A.

On June 29, 2010, Senior Kings County Sheriff's Deputy Costner was personally served with a summons and the amended complaint by the United States Marshal. Fed. R. Civ. P. 4(a). However, Deputy Costner failed to file a timely response to Plaintiff's amended complaint. Fed. R. Civ. P. 12(a). If Deputy Costner fails to respond to this order within fifteen days, default will be entered against him. Fed. R. Civ. P. 55(a).

///

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Deputy Costner shall show cause why default should not be entered against him  
3 within **fifteen (15) days** from the date of service of this order;  
4 2. The failure to comply with this order will result in the entry of default; and  
5 3. The Clerk's Office shall send courtesy copies of this order by mail to:

6 Senior Kings County Sheriff's Deputy Costner  
7 Kings County Sheriff's Department  
8 1444 W. Lacey Blvd.  
9 Hanford, CA 93230

and

10 Kings County Counsel's Office  
11 1400 W. Lacey Blvd., Bldg. 4  
Hanford, CA 93230.

12 IT IS SO ORDERED.

13 **Dated: December 8, 2010**

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE