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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-SKO PC

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY DOE DEFENDANT SHOULD
NOT BE DISMISSED FROM ACTION

(Doc. 12)

TWENTY-DAY DEADLINE

Plaintiff Angel H. Hernandez, a former 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. Pursuant to the Court’s screening orders, this action is proceeding against Defendants Costner and Doe 1 for use of excessive force, in violation of the Fourteenth Amendment, and for negligence.

The deadlines for the completion of all discovery and to amend the pleadings have expired, and Plaintiff did not seek leave to amend his complaint to identify Defendant Doe 1. Fed. R. Civ. P. 15(a), 16(b)(4); Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999).

Accordingly, it is HEREBY ORDERED that:

- 1. Plaintiff has **twenty (20) days** from the date of service of this order within which to show cause why Defendant Doe 1 should not be dismissed from this action; and

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2. The failure to respond to this order or the failure to show good cause will result in the dismissal of Defendant Doe 1 from this action, with prejudice.

IT IS SO ORDERED.

Dated: July 13, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE