

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANGEL H. HERNANDEZ,

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

Plaintiff,

ORDER DISMISSING DEFENDANT DOE I
FROM ACTION, WITH PREJUDICE

v.

(Docs. 12, 48, and 53)

CHRIS JORDAN, et al.,

Defendants.

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). On July 13, 2012, Plaintiff was ordered to show cause within twenty days why Defendant Doe 1 should not be dismissed from this action, and he was warned that the failure to respond to the order, or the failure to show good cause, would result in the dismissal of Defendant Doe 1, with prejudice. Plaintiff was granted a thirty-day extension of time to respond on August 21, 2012. More than thirty days have now passed and Plaintiff has not complied with or otherwise responded to the order.

Accordingly, Defendant Doe I is HEREBY DISMISSED from this action, with prejudice.

IT IS SO ORDERED.

Dated: October 10, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE