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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY CRAIG HUCKABEE,)	Case No.: 1:09-cv-00749-LJO-BAM PC
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF AN
)	EXTENSION OF TIME TO SHOW CAUSE WHY
v.)	DEFENDANT JIMENEZ SHOULD NOT BE
)	DISMISSED FROM THIS ACTION FOR FAILURE
MEDICAL STAFF at CSATF, et al.,)	TO PROVIDE SUFFICIENT INFORMATION TO
)	EFFECTUATE SERVICE (ECF No. 115, 130, 142)
Defendants.)	
)	THIRTY-DAY DEADLINE
)	

I. Introduction

Plaintiff Anthony Craig Huckabee (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on April 28, 2009. This action proceeds on Plaintiff’s second amended complaint, filed on August 21, 2012, for deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendants McGuinness, Wu, Nguyen, Garcia, Jimenez, Jeffreys, Chief Medical Officer at CSATF, and Chief Pharmacist at CSATF.

II. Service by the United States Marshal

On September 10, 2012, following screening of the second amended complaint, the Court issued an order directing the United States Marshal to initiate service of process in this action upon Defendants Diaz, McGuinness, Wu, Bhatt, Nguyen, Garcia, Jimenez and Jeffreys . (ECF No. 37.) On

1 January 17, 2014, the United States Marshal filed a return of service unexecuted as to Defendant
2 Jimenez. (ECF No. 115.)

3 On March 24, 2014, the Court issued an order requiring Plaintiff to show cause why Defendant
4 Jimenez should not be dismissed from this action. (ECF No. 130.) On April 3, 2014, Plaintiff filed a
5 response to the show cause order. In his response, Plaintiff details his efforts to obtain an address for
6 serving Defendant Jimenez, RN. Plaintiff reports that he contacted the Medical Board of California in
7 February 2014 to locate an address for Defendant Jimenez. According to exhibits provided by
8 Plaintiff, the Medical Board of California informed Plaintiff that he must contact the Board of
9 Registered Nursing to obtain information on licensees of that board. The Medical Board of California
10 also provided Plaintiff with a mailing address for the Board of Registered Nursing on February 13,
11 2014. (ECF No. 142, p. 3 and Ex. C.) There is no indication that Plaintiff has attempted to contact the
12 Board of Registered Nursing to obtain an address for Defendant Jimenez.

13 Plaintiff also reports that he recently propounded interrogatories and requests for documents on
14 Defendants in order to obtain an address for Defendant Jimenez. There is no indication that Plaintiff
15 received a response to his discovery requests at the time of his response to the show cause order.

16 The Court finds that Plaintiff has been diligent in his efforts to obtain accurate and sufficient
17 information to effect service of the summons and complaint. Based on Plaintiff's response, it appears
18 that additional time to respond to the Court's order with sufficient information to identify Defendant
19 Jimenez is necessary and appropriate. Accordingly, the Court will provide Plaintiff with an extension
20 of time to show cause why Defendant Jimenez should not be dismissed from the action at this time. In
21 other words, the Court will extend the deadline for Plaintiff to provide information to identify
22 Defendant Jimenez for service. However, if Plaintiff is unable to provide the Marshal with additional
23 information, Defendant Jimenez shall be dismissed from this action, without prejudice.

24 **III. Conclusion and Order**

25 Based on the foregoing, it is HEREBY ORDERED that:

- 26 1. Plaintiff is granted an extension of time to respond to the Court's order to show cause why
27 Defendant Jimenez should not be dismissed from the action;

1 2. Within thirty (30) days from the date of service of this order, Plaintiff shall show cause
2 why Defendant Jimenez should not be dismissed from this action; and

3 3. The failure to respond to this order or the failure to show cause will result in the
4 dismissal of Defendant Jimenez from this action.

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6 IT IS SO ORDERED.

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8 Dated: April 7, 2014

/s/ Barbara A. McAuliffe
9 UNITED STATES MAGISTRATE JUDGE

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