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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP T. RICKER,

CASE NO. 1:09-cv-01433-LJO-GBC (PC)

Plaintiff,

ORDER REQUIRING DEFENDANT HICKS
TO SHOW CAUSE WHY DEFAULT
SHOULD NOT BE ENTERED

v.

J. MCGUINNESS,

RESPONSE DUE BY JULY 11, 2011

Defendant.

ORDER

Upon finding that Plaintiff's Complaint stated claims against Defendants LVN Tellorbes, Sgt. Anderson, RN Hicks, La Vann, LVN E. Lopez, C/O Stinger, LVN Alaape, and C/O Lambert for deliberate indifference to Plaintiff's medical needs in violation of the Eighth Amendment (ECF No. 1), the Court ordered the U.S. Marshal to effect service on each Defendant. On February 25, 2011, the Court received a Waiver of Service Returned Executed signed by Jarhett Blonien, as attorney for Defendant Hicks, acknowledging receipt and stating that he agreed to waive formal service of the complaint. (ECF No. 21, p. 9.) The Waiver stated that Defendant "understand[s] that a judgment may be entered against [him] . . . if an answer or motion under Rule 12 is not filed within the U.S. District Court and served upon plaintiff within 60 days after 1/18/2011." (Id.)

Many of the other Defendants, whose waiver of service was also signed by Jarhett Blonien, filed an Answer to Plaintiff's Complaint on March 21, 2011. (ECF No. 22.) However, Defendant Hicks is not included on that Answer.

1 More than sixty days have passed since the January 18, 2011, and Defendant Hicks
2 has failed to file an answer or otherwise respond to Plaintiff's Complaint. Fed. R. Civ. P.
3 12(a). If Defendant Hicks fails to respond to this Order by July 11, 2011, default may be
4 entered against him. Fed. R. Civ. P. 55(a).

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Defendant Hicks shall show cause why default should not be entered against
7 him on or before July 11, 2011;
- 8 2. Failure to comply with this Order may result in the Entry of Default; and
- 9 3. The deadline to file an Answer or otherwise responsive pleading to Plaintiff's
10 Complaint is extended to August 1, 2011.

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12 IT IS SO ORDERED.

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14 Dated: June 6, 2011


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UNITED STATES MAGISTRATE JUDGE