

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 TYRONE INGRAM, CASE NO. 1:09-cv-02048-SKO PC

10 v. Plaintiff, ORDER DIRECTING CLERK'S OFFICE TO
11 ETHRIDGE, RE-SERVE ORDER ON DEFENDANT
ETHRIDGE

12 ETHRIDGE, (Doc. 19)

13 v. Defendant. ORDER DIRECTING CLERK'S OFFICE TO
14 SERVE COURTESY COPY OF THIS ORDER
15 ON LITIGATION OFFICE AT KVSP, CDCR
16 LEGAL AFFAIRS, AND DEFENDANT
ETHRIDGE AT ADDRESS TO BE PROVIDED
BY USM

17 Plaintiff Tyrone Ingram, a state prisoner proceeding pro se and in forma pauperis, filed this
18 civil rights action pursuant to 42 U.S.C. § 1983 on November 23, 2009. This action is proceeding
19 against Defendant Ethridge on Plaintiff's claims of retaliation and discrimination, in violation of the
20 First Amendment and the Equal Protection Clause of the Fourteenth Amendment. Defendant waived
21 service of the summons and complaint but failed to file a response to Plaintiff's complaint. Fed. R.
22 Civ. P. 4(d).

23 On July 29, 2011, the Court ordered Defendant to show cause why default should not be
24 entered against her for failing to respond to the complaint. The order was served by mail on
25 Defendant at the address previously obtained by the United States Marshal and at which Defendant
26 received the waiver she subsequently signed and returned. The order to show cause was returned
27 by the postal service with the notation "insufficient address - unable to forward."

Based on the current record, the Court cannot determine whether Defendant moved and left no forwarding address, whether she is attempting to evade service of legal documents, or whether some other explanation underlies the returned mail. The Court will direct the Clerk's Office to re-serve the order to show cause one time as a courtesy. If Defendant fails to respond to the order within the thirty-day time period, default will be entered against her.

Accordingly, it is HEREBY ORDERED that:

1. The Clerk's Office shall re-serve the order of July 29, 2011, on Defendant Ethridge, maintaining the confidentiality of the address provided by the USM; and
2. The Clerk's Office shall serve a courtesy copy of this order on the Litigation Office at Kern Valley State Prison, the Legal Affairs Division of the California Department of Corrections and Rehabilitation, and Defendant Ethridge, maintaining the confidentiality of the address provided by the USM.

IT IS SO ORDERED.

Dated: August 10, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE