

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE PEPE CARDOZA,

Plaintiff,

vs.

M. TANN, *et al.*,

Defendants.

Case No. 1:11-cv-01386-RRB

ORDER TO ENTER APPEARANCE

The Docket reflects that a Waiver of Service of Summons was executed and filed in this Court on March 18, 2014, on behalf of Defendants M. Tann; Sgt D. Plunkett; P. Paz, J. Oldan; S. Martinez; L. Marquez; M. Jones; R. Hopkins; M. Codd (erroneously identified as M. Cobb); D. James; Sullins (erroneously identified as Sullines); and F. Carreon.¹ The Docket further reflects that a Waiver of Service of Summons was executed and filed in this Court on March 31, 2014, on behalf of Defendant R. Cummings.² The Waivers were executed by a Deputy Attorney General for the State of California. Although the time for responding has lapsed; as of this date, no Defendant has entered an appearance in this matter.

¹ Docket 33.

² Docket 34.

The record further reflects that, after service was effected, Plaintiff filed a Second Amended Complaint with leave of court. The Second Amended Complaint included additional parties not included in the First Amended Complaint. The Second Amended Complaint has not yet been screened nor served on any Defendant. Accordingly, although the operative pleading before this Court is the Second Amended Complaint, it has not yet been screened and served. Therefore, requiring answer or other responsive pleading to the First Amended Complaint would serve no useful purpose. On the other hand, the failure of the served Defendants to timely file a responsive pleading or otherwise appear delays the orderly processing of this matter by this Court.

Accordingly, although the served Defendants need not file a responsive pleading to the First Amended Complaint at this time, counsel for the Defendants must enter an appearance in this matter not later than **June 23, 2014**, or a default may be entered upon the request of Plaintiff.

The Clerk of the Court is directed to serve a copy of this Order, either electronically or by mail, on Kamala D. Harris, Attorney General of the State of California, and John P. Walters, Deputy Attorney General.

IT IS SO ORDERED this 3rd day of June, 2014

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE