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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARVEY CURTIS BAKER,
Plaintiff,
v.
JAMES A. YATES, et al.,
Defendants.

Case No. 1:12-cv-00126-LJO-SAB
ORDER REQUIRING PLAINTIFF TO
SERVE DEFENDANT WITHIN SIXTY (60)
DAYS

Plaintiff Harvey Curtis Baker (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On September 3, 2013, Plaintiff filed a status report regarding his efforts to identify the true identity of Defendant Correctional Officer Jane Doe #1 for purposes of serving her with the complaint in this action.

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve the defendant within 120 days after the complaint is filed. If service is not made within 120 days, the Court must dismiss the action or order service be made within a specified time. In light of Plaintiff’s reported efforts, the Court will grant Plaintiff an additional sixty (60) days to identify and serve Defendant Correctional Officer Jane Doe #1. If Plaintiff is unable to do so, the Court will dismiss this action without prejudice pursuant to Rule 4(m).

Based upon the foregoing, it is HEREBY ORDERED that Plaintiff shall identify and serve Defendant Correctional Officer Jane Doe #1 within sixty (60) days of the date of service of

1 this order. Plaintiff is forewarned that the failure to timely serve defendant may result in the
2 dismissal of this action without prejudice.

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4 IT IS SO ORDERED.

5 Dated: November 1, 2013


6 UNITED STATES MAGISTRATE JUDGE

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