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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ROBERTO M. GARCIA, JR.,

12 Plaintiff,

13 vs.

14 MATTHEW M. JUAREZ, JR.,

15 Defendant.
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1:12-cv-00750-AWI-GSA-PC

ORDER REQUIRING DEFENDANT
JUAREZ TO SHOW CAUSE WITHIN
THIRTY DAYS WHY DEFAULT SHOULD
NOT BE ENTERED AGAINST HIM
(Doc. 20.)

ORDER DIRECTING CLERK'S OFFICE TO
SERVE COURTESY COPY OF THIS
ORDER ON DEFENDANT JUAREZ AT
ADDRESS BELOW

18 Roberto M. Garcia, Jr. ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On May 8, 2012, Plaintiff
20 filed the Complaint commencing this action. (Doc. 1.)

21 This action now proceeds on the First Amended Complaint against sole defendant
22 Matthew M. Juarez, Jr. ("Defendant") for use of excessive force in violation of the Eighth
23 Amendment. Defendant's response to Plaintiff's Amended Complaint was due on or before
24 September 18, 2014.¹ Fed. R. Civ. P. 12(a), 6(d). (Doc. 26.) To date, Defendant has not made
25 an appearance or requested an extension of time.
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27 ¹ Defendant executed a Waiver of Service on October 13, 2014, which was filed with the Court by the
28 United States Marshal on October 14, 2014. (Doc. 26.) The Waiver of Service indicates that "a judgment may be
entered against [Defendant] 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 7/16/14." (Id.)

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Within **thirty (30) days** from the date of service of this order, defendant
3 Matthew M. Juarez, Jr. shall show cause why default should not be entered
4 against him;
- 5 2. To facilitate his ability to comply with this order, Defendant's obligation to
6 respond to the Complaint is extended thirty days from the date of service of this
7 order; and
- 8 3. The Clerk's Office shall serve a courtesy copy of this order on defendant
9 Matthew M. Juarez, Jr. at Kern Valley State Prison, P.O. Box 3130, Delano, CA
10 93216-6000.

11 IT IS SO ORDERED.

12 Dated: October 29, 2014

13 /s/ Gary S. Austin
14 UNITED STATES MAGISTRATE JUDGE