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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RIGOBERTO POLONCO,	)	Case No.: 1:12-cv-00984-SAB (PC)
Plaintiff,	)	
v.	)	ORDER DISCHARGING ORDER TO SHOW
	)	CAUSE AND DIRECTING PLAINTIFF TO FILE A
M. D. BITER, et al.,	)	FURTHER STATUS REPORT WITHIN THIRTY
Defendants.	)	DAYS
	)	(ECF No. 26)
	)	
	)	
	)	

Plaintiff Rigoberto Polonco is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff's Second Amended Complaint, filed December 23, 2013, against John Does 2 and 3 for excessive force while Plaintiff was housed at Kern Valley State Prison. In the Court's January 28, 2014, order, Plaintiff was directed to file a status report relating to the amount of time necessary to conduct discovery to ascertain the identities of the two Doe defendants.

On June 12, 2014, an order to show cause issued because Plaintiff failed to file the necessary status report. Plaintiff filed a response to the order to show cause on June 25, 2014.

Based on the docket in this case, Plaintiff is presently incarcerated at Pelican Bay State Prison. In his response to the order to show cause, Plaintiff asserts and attaches an inmate request for interview in which he requests a copy of the CDCR 128B and rules violation dated May 5, 2011 (the date of the operative incident), while Plaintiff was housed at Kern Valley State Prison in

1 administrative segregation. This request appears sufficient to establish due diligence on the part of  
2 Plaintiff in attempting to ascertain the identity of the two correctional officers, named as John Does 2  
3 and 3 in the complaint for the alleged use of excessive force on May 5, 2011. Accordingly, the Court  
4 will discharge the order to show cause and direct Plaintiff to file a further status report relating to any  
5 further attempts and/or responses to his request for information relating to the identity of these Doe  
6 Defendants.

7 Based on the foregoing,

8 IT IS HEREBY ORDERED that:

- 9 1. The order to show cause issued June 12, 2014, is DISCHARGED;
- 10 2. Plaintiff is directed to file a further status report within **thirty (30)** days from the date  
11 of service of this order relating to his efforts to ascertain the identity of the Doe  
12 Defendants; and
- 13 3. Failure to comply with this order will result in dismissal of the action.

14  
15 IT IS SO ORDERED.

16 Dated: July 11, 2014



UNITED STATES MAGISTRATE JUDGE