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

BRYAN E. RANSOM,

Plaintiff,

vs.

McCABE, et al.,

Defendants.

1:13-cv-01779-DAD-GSA-PC

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY DEFENDANT BROOKS SHOULD
NOT BE DISMISSED FROM THIS CASE FOR
PLAINTIFF'S FAILURE TO PROSECUTE
AGAINST HER

THIRTY-DAY DEADLINE

I. BACKGROUND

Bryan E. Ransom ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. The case now proceeds with the First Amended Complaint filed on July 10, 2014, against defendants C. McCabe, E. Clark, K. Gill, J. Sao, P. Rouch, D. Strome, R. Herrera, S. Dougherty, J. Kaiser, M. Brooks, E. Molina, G. Torres, Quillen, D. Riley, H. Rocha, W. Hayward, J. Faldon (Correctional Officer), and J. Faldon (Nurse) (collectively, "Defendants"). (ECF No. 10.)

On November 4, 2014, the court entered an order directing the United States Marshal ("Marshal") to serve process upon the defendants in this action. (ECF No. 18.) On July 9, 2015, the Marshal filed a return of service executed as to defendant M. Brooks. (ECF No. 39.) The return of service indicates that defendant Brooks was personally served with process on July 6, 2015. (*Id.*) Under Rule 12, defendant Brooks had twenty-one days in which to file an

1 answer or motion under Rule 12 in response to Plaintiff's complaint. More than two years have
2 passed and defendant Brooks has not filed an answer, a motion under Rule 12, or any other
3 response to Plaintiff's complaint. (See court docket.) Plaintiff has not filed a motion under
4 Rule 55. Id.

5 **II. ORDER TO SHOW CAUSE**

6 Within thirty days from the date of service of this order, Plaintiff shall show cause why
7 defendant M. Brooks should not be dismissed from this action for Plaintiff's failure to
8 prosecute against her.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. Within thirty days from the date of service of this order, Plaintiff shall file a
11 written response to the court, showing cause why defendant M. Brooks should
12 not be dismissed from this action for Plaintiff's failure to prosecute against her;
13 and
14 2. Plaintiff's failure to comply with this order shall result a recommendation that
15 this action be dismissed.

16
17 IT IS SO ORDERED.

18 Dated: August 15, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE