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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK S. SOKOLSKY,
Plaintiff,

v.

CHRISTINE MATIVO, et al.,
Defendants.

Case No. 1:13-cv-02044 LJO DLB PC
ORDER DIRECTING DEFENDANTS TO
FILE ANSWER

Plaintiff Mark S. Sokolsky, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 16, 2013. This action is proceeding on Plaintiff’s Second Amended Complaint filed on February 4, 2016.

On September 17, 2015, the Court issued an order directing the U.S. Marshal Service to serve the First Amended Complaint on Defendants Bigot, Bowley, Domrese, King, and Mativo. On December 4, 2015, waivers of service were executed and sent to the Court by Defendants Mativo and King. Their answers were due on February 2, 2016. On December 18, 2015, waivers of service were executed and sent by Defendants Bigot and Bowley, and their answers were due on February 16, 2016. To date, a waiver of service has not been returned by Defendant Domrese and there is no indication that she has been served.

On January 14, 2016, Plaintiff filed a motion to amend the First Amended Complaint in order to substitute proper parties. Plaintiff noted that he had sued Defendants in their official

1 capacities and that their successors should be substituted in the action. Plaintiff lodged the
2 proposed Second Amended Complaint on February 4, 2016. The Court granted the motion on
3 February 5, 2016, and directed the Clerk of Court to amend the docket insofar as the successors
4 are automatically substituted as parties under Fed. R. Civ. P. 25(d)(1).

5 To date, no Defendant has filed an answer even though answers were due on February 2,
6 2016 and February 16, 2016. Given that there may have been confusion because of the timing of
7 the amended complaint and substitution of parties, the Court will provide Defendants with leave
8 to file an answer.

9 **ORDER**

10 Accordingly, IT IS HEREBY ORDERED that Defendants Coyne, Winthrow, Meeks, and
11 Bonsu are DIRECTED to file an answer within ten (10) days of the date of service of this order.
12 Failure to comply with the Court's order may result in sanctions.

13
14 IT IS SO ORDERED.

15 Dated: March 11, 2016

/s/ Dennis L. Beck
16 UNITED STATES MAGISTRATE JUDGE