

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,
Plaintiff,
v.
PAMELA AHLIN, et al,
Defendants.

Case No. 1:14-cv-00005-LJO-BAM (PC)
ORDER DIRECTING CLERK’S OFFICE TO
RE-SERVE SEPTEMBER 20, 2017 ORDER
ON DEFENDANT TUR
ORDER EXTENDING SHOW CAUSE
ORDER AND DIRECTING DEFENDANT
TUR TO RESPOND WITHIN **THIRTY (30)**
DAYS

Plaintiff Gregory Ell Shehee (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s third amended complaint against Defendants Tur and Nguyen for inadequate medical care arising from events occurring prior to Plaintiff’s surgery in April 2014, in violation of the Fourteenth Amendment.

On April 19, 2017, the United States Marshal was ordered to serve process on Plaintiff’s behalf. (ECF No. 38.) On August 3, 2017, the United States Marshal filed a USM-285 form indicating that Defendant Tur had been served on July 6, 2017. The USM-285 indicates that a copy of the summons and complaint was left with Melanie Varner, caregiver, who is documented as a person of suitable age and discretion then residing in the defendant’s usual place of abode. (ECF No. 43.) Therefore, a response to the third amended complaint by Defendant Tur was due on or before July 27, 2017. Fed. R. Civ. P. 12(a)(1)(A).

1 Defendant Tur failed to respond by July 27, 2017. Accordingly, on September 20, 2017,
2 the Court issued an order for Defendant Tur to show cause as to why he failed to file a responsive
3 pleading. (ECF No. 50.) On October 18, 2017, Defendant Nguyen filed a response to the show
4 cause order. (ECF No. 52.) Defendant Nguyen states that Defendant Tur no longer works at
5 Department of State Hospitals-Coalinga or the State of California. In addition, defense counsel
6 attempted to contact Defendant Tur during August and September 2017, but was unable to reach
7 him by telephone or personal service. Defendant Nguyen further states that without a request for
8 representation from Defendant Tur, the State cannot represent him in these proceedings. (Id.) As
9 of this date, Defendant Tur has failed to file a response to the third amended complaint, or the
10 Court's September 20, 2017 show cause order.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The Clerk of the Court is DIRECTED to re-serve the Court's September 20, 2017 order to
13 show cause (ECF No. 50), along with a copy of this order, on Defendant Tur at the
14 confidential address served by the U.S. Marshal Service on July 6, 2017; and
- 15 2. Within **thirty (30) days** from the date of service of this order, Defendant Tur shall show
16 cause why default should not be entered against him.

17
18 IT IS SO ORDERED.

19 Dated: October 30, 2017

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE