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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DERRICK JESUS ODEN,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

Case No. 1:14-cv-00873-LJO-BAM (PC)
**ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY DEFENDANT THOMAS
SHOULD NOT BE DISMISSED FROM THIS
ACTION FOR FAILURE TO PROVIDE
SUFFICIENT INFORMATION TO
EFFECTUATE SERVICE**
(ECF No. 41)

I. Introduction

Plaintiff Derrick Jesus Oden (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on June 9, 2014. This action proceeds on Plaintiff’s third amended complaint, filed on September 16, 2015, against Defendants J. Acebedo, S. Swaim, and R. Thomas for deliberate indifference to a serious risk in violation of the Eighth Amendment.

II. Service by the United States Marshal

On August 7, 2017, following screening of the third amended complaint, the Court issued an order directing the United States Marshal to initiate service of process in this action upon Defendants Acebedo, Swaim, and Thomas. (ECF No. 37.) On October 10, 2017, the United States Marshal filed a return of service unexecuted as to Defendant Thomas. (ECF No. 39.)

On October 13, 2017, the Court issued an order for Plaintiff to show cause why Defendant

1 Thomas should not be dismissed from this action under Federal Rule of Civil Procedure 4(m) for
2 failure to effectuate service. (ECF No. 41.) That same day, the United States Marshal filed
3 returns of service executed as to Defendants Acebedo, Swaim, and Thomas, dated October 12,
4 2017.

5 In light of the waivers of service returned executed for all Defendants, the order to show
6 cause (ECF No. 41) is HEREBY DISCHARGED.

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8 IT IS SO ORDERED.

9 Dated: October 17, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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