

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

CRAIG SIMONSON,
Plaintiff,
v.
T. SINGH,
Defendant.

CASE No. 1:16-cv-00126-LJO-MJS
**ORDER DENYING SECOND REQUEST
FOR EXTENSION OF TIME TO PROVIDE
FURTHER INFORMATION ABOUT
DEFENDANT T. SINGH**
(ECF No. 34)
**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO IDENTIFY PROPER
DEFENDANT**
TWENTY-ONE DAY DEADLINE

Plaintiff is a county jail inmate proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendant Officer T. Singh.

On May 17, 2017, after the United States Marshal was twice unsuccessful in locating and serving Defendant, the Court directed Plaintiff to provide the Court, within thirty days, with more information to help the USM locate Defendant. (ECF No. 31.) On

1 June 28, 2017, Plaintiff was granted an additional sixty days to provide this information
2 to the Court. (ECF No. 33.) Plaintiff now seeks another thirty day extension, averring that
3 the (unnamed) deputy who can provide Plaintiff Defendant Singh's "true" first name has
4 not yet returned to her post. (ECF No. 34.)

5 That request is DENIED. Four months is more than adequate time to seek and
6 obtain such information if it is obtainable.

7 Plaintiff shall be REQUIRED TO SHOW CAUSE within twenty-one days why
8 Defendant Singh, and thus the entire action, should not be dismissed based on inability
9 to effectuate service. Fed. R. Civ. P. 4(m); Walker v. Sumner, 14 F.3d 1415, 1421-22
10 (9th Cir. 1994) (overruled on other grounds by Sandin v. Connor, 515 U.S. 472 (1995))
11 (where a pro se plaintiff fails to provide the Marshal with accurate and sufficient
12 information to effect service of the summons and complaint, the Court's sua sponte
13 dismissal of the unserved defendants is appropriate.) If Plaintiff either fails to respond to
14 this order or responds but fails to show cause, the undersigned will recommend the
15 action be dismissed without prejudice.

16
17 IT IS SO ORDERED.

18 Dated: September 19, 2017 /s/ Michael J. Seng
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28