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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY FOWLER,

Plaintiff,

v.

STEVEN SMITH, et al.,

Defendants.

CASE NO. 1:16-cv-01401-MJS (PC)

**ORDER REQUIRING DEFENDANTS
SMITH, FORSTER, RIDGE, AND ST.
CLAIR TO SHOW CAUSE WHY
DEFAULT SHOULD NOT BE ENTERED**

(ECF No. 23)

FOURTEEN DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on the following claims for damages: an Eighth Amendment claim for inadequate medical care against Defendants Smith, Forster, and Ridge; a constitutional retaliation claim against Defendant Smith; and a state law negligence claim against Defendants Smith, Forster, Ridge, and St. Clair.

Waivers of service were sent to the Defendants on December 16, 2016. (See ECF No. 23.) Pursuant to the waivers and Federal Rule of Civil Procedure 4(d)(3), Defendants' response to the complaint was due sixty days later, on February 14, 2017.

1 The waivers were signed on Defendants' behalf by a Deputy Attorney General on April
2 20, 2017 and were returned to the Court. To date, Defendants have not filed a
3 responsive pleading, otherwise responded to the complaint, or sought an extension of
4 time to do so.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Defendants shall show cause, within fourteen days from the date of this
7 order, why default should not be entered.
- 8 2. The Clerk's Office is directed to serve a copy of this order on Defendants
9 at the addresses listed on the USM-285 forms.
- 10 3. The Clerk's Office also is directed to serve a copy of this order on James
11 Walter, Deputy Attorney General.
- 12 4. Defendants' deadline to respond to the complaint is extended to and
13 including fourteen days from the date of this order.
- 14 5. The failure to respond to this order will result in entry of default.

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16 IT IS SO ORDERED.

17 Dated: May 11, 2017

18 */s/ Michael J. Seng*
19 UNITED STATES MAGISTRATE JUDGE
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