2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 No.: 1:16-cv-01467-DAD-BAM (PC) ANTONIO MARTINEZ, 11 ORDER DIRECTING PLAINTIFF TO Plaintiff, PROVIDE WRITTEN NOTICE 12 IDENTIFYING DOE DEFENDANT FOR SERVICE OF PROCESS, OR SHOW 13 VS. CAUSE WHY DOE DEFENDANT SHOULD NOT BE DISMISSED 14 F. ROJAS, et. al., FOURTEEN DAY DEADLINE 15 Defendants. 16 17 18 Plaintiff Antonio Martinez is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds against 19 Registered Nurse F. Rojas and Officer Doe #3 for deliberate indifference in violation of the 20 Eighth Amendment. (Doc. No. 22.) Officer Doe #3 is described in Plaintiff's second amended 21 22 complaint as a receiving and release officer employed at Pleasant Valley State Prison on May 16, 23 2016. (Doc. No. 22, at 3, 9.) 24 On October 24, 2018, the Court issued an order advising Plaintiff on his duty to identify Officer Doe #3 for service of process, with information and the applicable rules as guidance. 25 (Doc. No. 29.) In addition, the Court ordered Plaintiff to provide, within forty-five (45) days, a 26

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motion for leave to amend his pleading to substitute the identify of Officer Doe #3, or a request

to obtain the information necessary to identify Officer Doe #3. (*Id.* at 3-4.)

1	The above deadline has now passed, and Plaintiff has not complied with the Court's order		
2	or otherwise communicated with the Court.		
3	Accordingly, IT IS HEREBY ORDERED as follows:		
4	1.	With	nin fourteen (14) days from the date of service of this order, Plaintiff shall:
5		a.	File a motion for leave to amend his pleading to substitute the identify of
6			Officer Doe #3,
7		b.	File a request to obtain the information necessary to identify Officer Doe
8			#3, or
9		c.	Shall show cause in writing why Officer Doe #3 should not be dismissed
10			for the failure to serve with process; and
11	2.	<u>Plair</u>	ntiff's failure to comply with this order will result in the dismissal of
12	Officer Doe #3 from this action.		
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14	IT IS SO O	RDERE	D.
15	Dated:	Dece	ember 27, 2018 /s/Barbara A. McAuliffe
15 16	Dated:	Dece	ember 27, 2018 /s/ Barbara A. McAuliffe UNITED STATES MAGISTRATE JUDGE
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