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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACOBSEN,  
Plaintiff,  
v.  
MALDINADO, et al.,  
Defendants.

Case No. 1:17-cv-00101-BAM (PC)  
ORDER GRANTING PLAINTIFF’S MOTION  
TO SHOW CAUSE WHY CASE SHOULD  
NOT BE DISMISSED AND REQUEST FOR  
COPY OF COMPLAINT  
(ECF No. 17)  
ORDER DISCHARGING ORDER TO SHOW  
CAUSE WHY DEFENDANT MALDINADO  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE  
ORDER EXTENDING SHOW CAUSE  
ORDER AND DIRECTING PLAINTIFF TO  
PROVIDE WRITTEN NOTICE  
IDENTIFYING DOE DEFENDANTS FOR  
SERVICE OF PROCESS  
**THIRTY (30) DAY DEADLINE**

**I. Background**

Plaintiff Michael Jacobsen (“Plaintiff”) is a pretrial detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 8, 2017, the Court issued a screening order finding that Plaintiff had stated a cognizable claim against Defendants Maldinado, Doe #1, Doe #2, and Doe #3. The Court directed Plaintiff to fill out and return the USM-285 form and summons for Defendant Maldinado

1 within thirty days, and to provide the Court with written notice identifying Doe Defendants with  
2 enough information to locate defendants for service of process within ninety days. (ECF No. 8.)  
3 The Court expressly warned Plaintiff that failure to comply with the Court's order would result in  
4 dismissal of this action. (Id. at 5.)

5 On July 10, 2017, Plaintiff filed a notice of change of address and a request for status of  
6 case. (ECF No. 9.) The Court issued an order granting the request, reminding Plaintiff of his  
7 pending deadlines in this action. (ECF No. 10.) This order was sent to Plaintiff's updated address,  
8 but was returned as undeliverable, return to sender, unable to forward. On July 24, 2017, pursuant  
9 to a change of address filed by Plaintiff in *Jacobsen v. People of the State of California*, Case No.  
10 1:14-cv-00108-JLT (PC), the Court issued an order directing the Clerk of the Court to re-serve  
11 the order granting Plaintiff's request for status of case to his new address. (ECF No. 12.)

12 On August 11, 2017, after Plaintiff failed to return service documents for Defendant  
13 Maldinado, the Court issued an order to show cause why Defendant Maldinado should not be  
14 dismissed from this action for failure to prosecute. (ECF No. 13.) Plaintiff was directed to  
15 respond or return completed service documents for Defendant Maldinado within thirty (30) days.  
16 (Id.) Plaintiff was expressly warned that failing to comply with the Court's order would result in  
17 dismissal of Defendant Maldinado from this action. (Id.)

18 On August 24, 2017, Plaintiff's address was updated, again pursuant to a notice of change  
19 of address filed in Case No. 1:14-cv-00108-JLT (PC). (ECF No. 14.) In this filing, Plaintiff  
20 asserted that although he had updated his address three times with the Court over the past two and  
21 a half months, he had not received any of the Court's orders in any of his three pending cases in  
22 this district.

23 As Plaintiff's filing was not responsive to the Court's August 11, 2017 order directing  
24 Plaintiff to file completed service documents for Defendant Maldinado or to show cause why he  
25 had been unable to do so, the Court declined to discharge the order to show cause and granted  
26 Plaintiff a final opportunity to file completed service documents or explain why he had been  
27 unable to do so.

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1 On September 27, 2017, Plaintiff filed a response to the show cause order and a request  
2 for a copy of the complaint.<sup>1</sup> (ECF No. 17.) Plaintiff explains that he received a copy of the  
3 docket for this case, but he has not received any filings for this case for months, despite updating  
4 his address multiple times. Plaintiff requests that the Court send a copy of the complaint and  
5 anything with a court deadline. (Id.)

6 On September 29, 2017, the Court received service documents for Defendant Maldinado.  
7 (ECF No. 18.) Plaintiff did not include two copies of the complaint, as directed by the Court's  
8 orders. (ECF Nos. 8, 13, 16.)

## 9 **II. Defendant Maldinado**

10 In light of Plaintiff's submission of the appropriate service documents for Defendant  
11 Maldinado, the Court finds it appropriate to discharge the show cause order regarding Defendant  
12 Maldinado. Although Plaintiff has not submitted the necessary copies of the complaint, the Court  
13 will grant Plaintiff's request for a copy of his complaint, and the Clerk of the Court is directed to  
14 make three copies of the complaint—two for the U.S. Marshal Service to conduct service, and  
15 one for Plaintiff. The Court will direct service on Defendant Maldinado by separate order.

16 Plaintiff is advised that generally, the Clerk's Office will provide copies for Plaintiff at a  
17 cost of \$0.50 per page. The Court will make an exception in this one instance and will direct the  
18 Clerk's Office to provide copies of the original complaint at no charge. However, Plaintiff is  
19 advised that any further copies will need to be paid for by Plaintiff and that it is his responsibility  
20 to maintain copies of all documents submitted to the Court for filing.

## 21 **III. Doe Defendants**

22 Plaintiff's latest submission is not responsive to the Court's orders regarding the  
23 identification of the Doe Defendants. (ECF Nos. 8, 15.) Plaintiff is reminded that the Doe  
24 Defendants cannot be served by the U.S. Marshal until Plaintiff has identified them as actual  
25 individuals with enough information to locate the defendants for service of process.

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27 <sup>1</sup> Plaintiff requested a copy of the amended complaint. However, no amended complaint has been filed in this action.  
28 The Court therefore construes Plaintiff's motion as a request for a copy of the original complaint, filed January 23,  
2017.

