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7	UNITED STATES DISTRICT COURT	
<u>8</u> 9	EASTERN DISTRICT OF CALIFORNIA	
9 10	PAUL FREE,	1:17-cv-00159 MJS (PC)
10		ORDER DIRECTING PLAINTIFF TO
11	Plaintiff,	SERVE DEFENDANTS DR. NADER PAIKAR, LOURDES METTRI, LISA
12		FUENTES-ARCE, AND TYSON
	DR. NADER PEIKAR, et al.,	
14 15	Defendants.	
15 16	Plaintiff is a federal prisoner proceeding pro se in a civil rights action pursuant to	
17	Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff has consented to the	
18	jurisdiction of a magistrate judge.	
19	On May 3, 2017, Plaintiff's First Amended Complaint was screened and found to	
20	state an Eighth Amendment medical indifference claim against Defendants Dr. Nader	
21	Peikar, Lourdes Mettri, Lisa Fuentes-Arce, and Mr. Tyson. (ECF No. 12.) All other claims	
22	were dismissed. Plaintiff was then directed to either file a notice of his willingness to	
23	proceed on the amended pleading as screened or file a second amended complaint.	
24	Plaintiff has now filed a notice of his willingness to proceed on the cognizable claims	
25	identified in his First Amended Complaint. (ECF No. 13.)	
26	Plaintiff, who has paid the filing fee in full, is now responsible for serving the	
27	Defendants with both a summons and his pleading within the time permitted under Rule	
28	4 of the Federal Rules of Civil Procedure. This rule provides that:	
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1 2	If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff must diamise the action without projudice against	
2	plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the	
4	failure, the court must extend the time for service for an appropriate period.	
5	Fed. R. Civ. P. 4(m).	
6	Accordingly, it is HEREBY ORDERED that Plaintiff shall proceed on his Eighth	
7	Amendment medical indifference claim against Dr. Peikar, Ms. Mettri, Ms. Fuentes-Arce,	
8	and Mr. Tyson. Plaintiff is directed to serve the Defendants within the time-frame	
9	prescribed by Rule 4(m). ¹	
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11	IT IS SO ORDERED.	
12	Dated: June 12, 2017 Isl Michael J. Seng	
13	UNITED STATES MAGISTRATE JUDGE	
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25	¹ Plaintiff previously sought the assistance of the United States Marshal to effectuate service on the	
26	¹ Plaintiff previously sought the assistance of the United States Marshal to effectuate service on the Defendants. (ECF No. 9.) In denying his motion, the Court informed Plaintiff that he was not automatically entitled to the Marshal's assistance since he is not proceeding in forma pauperis. (ECF No. 12.) Instead, he was required to meet either a "reasonableness" or "good cause" standard for the court to appoint a marshal for service. He provided no basis for the appointment and so failed to meet either standard. In any renewed motion, Plaintiff must assert a sufficient rationale for the U.S. Marshal's assistance in serving the Defendants.	
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