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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 TRENELL MONSON,

11 Plaintiff,

12 v.

13 UNKNOWN FLOOR OFFICERS,

14 Defendants.
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Case No. 1:17-cv-00395-LJO-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY THE COURT SHOULD
NOT ISSUE FINDINGS AND
RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE
BE DISMISSED, WITHOUT
PREJUDICE, FOR FAILURE TO
SERVE

(ECF NO. 13)

21-DAY DEADLINE

18 Trenell Monson (“Plaintiff”) is a pretrial detainee being held at Fresno County Jail. He
19 is proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42
20 U.S.C. § 1983. This case now proceeds on Plaintiff’s Second Amended Complaint (ECF No.
21 10) against defendants Unknown Officer 1 and Unknown Officer 2 on Plaintiff’s claim for
22 failure to protect in violation of the Fourteenth Amendment. (ECF Nos. 11 & 12).

23 As no defendants had been identified in this case, on November 21, 2017, the Court
24 opened limited discovery so that Plaintiff could identify Unknown Officer 1 and Unknown
25 Officer 2, and find service addresses for them. (ECF No. 13, p. 1). Specifically, the Court
26 allowed Plaintiff to request the issuance of third party subpoenas. (*Id.* at 2).

27 Plaintiff was warned that if he failed to identify and provide service addresses for
28 Unknown Officer 1 and Unknown Officer 2 within 120 days from the date of service of the

1 order opening limited discovery, the Court would recommend dismissal of Unknown Officer 1
2 and Unknown Officer 2 for failure to serve. (Id. at 1-2).

3 The 120-day period has now passed, and Plaintiff has not identified Unknown Officer 1
4 or Unknown Officer 2, or even requested a third party subpoena.

5 Accordingly, it is HEREBY ORDERED that within **twenty-one (21) days** from the
6 date of service of this order, Plaintiff shall show cause why the Court should not issue findings
7 and recommendations, recommending that this case be dismissed, without prejudice, for failure
8 to serve and failure to prosecute.

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10 IT IS SO ORDERED.

11 Dated: April 2, 2018

12 /s/ Eric P. Grogan
13 UNITED STATES MAGISTRATE JUDGE
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