

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9
10 JAMES W. MILLNER,

11 Plaintiff,

12 v.

13 DR. DILEO, et al.,

14 Defendants.
15

Case No.: 1:17-cv-00507-LJO-SAB (PC)

ORDER REQUIRING DEFENDANT
CHIEF MEDICAL EXAMINER TO SHOW
CAUSE WITHIN THIRTY DAYS WHY
DEFAULT SHOULD NOT BE ENTERED

(ECF No. 29)

16 Plaintiff Marcellas Hoffman is a state prisoner proceeding pro se in this civil rights action
17 pursuant to 42 U.S.C. § 1983. This action currently proceeds on Plaintiff’s claim against
18 Defendants DiLeo, Ulit, Spaeth, and the Chief Medical Examiner, in their individual capacity,
19 for deliberate indifference in violation of the Eighth Amendment based on his wrist injury.

20 On December 4, 2017, Plaintiff returned an executed proof of service with respect to the
21 Chief Medical Examiner of Kern Valley State Prison (“KVSP”). (ECF No. 22.) The proof of
22 service indicates that the Kern County Sheriff-Coroner served copies of the summons and
23 complaint on the Chief Medical Examiner via Brian Hancock, Litigation Coordinator, at KVSP,
24 at 3000 Cecil Avenue, Delano, California, 93216, by personal service. (Id.)

25 On March 6, 2018, the Court ruled on pending findings and recommendations regarding
26 the screening of Plaintiff’s claims in this case, and ordered that this mater proceed on the claim
27 identified above. (ECF No. 28.) On March 8, 2018, the Court directed Defendants to respond to
28 the complaint within fourteen (14) days. (ECF No. 29.) As a result, Defendant Chief Medical

1 Examiner's answer to the complaint was due on or before March 22, 2018. Defendant Chief
2 Medical Examiner has not filed any answer, however.¹

3 Accordingly, it is HEREBY ORDERED that:

4 1. Within thirty (30) days from the date of service of this order, Defendant Chief
5 Medical Examiner shall show cause why default should not be entered against him or her;

6 2. To facilitate the ability to comply with this order, Defendant Chief Medical
7 Examiner's obligation to respond to the complaint is extended thirty (30) days from the date of
8 service of this order; and

9 3. The Clerk's Office shall serve a courtesy copy of this order on the Litigation
10 Coordinator at Kern Valley State Prison.

11
12 IT IS SO ORDERED.

13 Dated: March 23, 2018


UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ On March 22, 2018, Defendants DiLeo, Spaeth, and Ulit's request for an extension of time to file an answer in this action was granted, and their answer is not due until April 5, 2018. (ECF No. 22.)