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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SCOTT KINDRED,
Plaintiff,
v.
BRANDON PRICE, et al.,
Defendants.

Case No. 1:18-cv-00554-DAD-EPG
ORDER FOR PLAINTIFF TO SHOW CAUSE
WHY HIS CLAIMS AGAINST JOHN/JANE
DOES 1-10 SHOULD NOT BE DISMISSED
WITHOUT PREJUDICE
RESPONSE DUE WITHIN FORTY-FIVE
DAYS

Plaintiff Richard Scott Kindred (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. For the reasons that follow, the Court will order Plaintiff to show cause why his claims against John/Jane Does 1-10 should not be dismissed without prejudice.

On July 8, 2019, the Court entered findings and recommendations recommending that this action proceed on Plaintiff’s: (1) Fourth Amendment search and seizure claims against Defendants Brandon Price, J. Corona, Jose Lopez (collectively “Defendants”), and John/Jane Does 1-5; (2) First Amendment free exercise claim against Defendants Corona and Lopez; and (3) First Amendment access to courts claim against John/Jane Does 6-10. (ECF No. 19.) The Court recommended that all other claims and defendants be dismissed with prejudice. (*Id.*) District Judge Dale A. Drozd entered an order adopting the Court’s findings and recommendations in full on October 18, 2019. (ECF No. 23.)

1 On October 24, 2019, the Court entered an order authorizing service of the summons and
2 complaint on Defendants Price, Corona, and Lopez. (ECF No. 24.) This order advised Plaintiff
3 that Doe defendants cannot be served until Plaintiff has identified them and amended his
4 complaint to substitute named defendants in place of the Doe defendants. (*Id.* at 2.) Plaintiff was
5 also advised that he would be required to identify Doe defendants as the litigation proceeds. (*Id.*)
6 On April 30, 2020, the Court entered a Scheduling Order which, among other things, advised the
7 parties that discovery was open. (ECF No. 43 at 1.)

8 This case has been pending since 2018 and, to date, Plaintiff has not filed a motion to
9 amend his complaint or otherwise identified the Doe defendants. Discovery has concluded and
10 Defendants Price, Corona, and Lopez have filed a motion for summary judgment. Accordingly, in
11 light of the status of the case, the Court will order Plaintiff to show cause in writing why
12 John/Jane Does 1-10 should not be dismissed from this action without prejudice.

13 Accordingly, IT IS HEREBY ORDERED that, within forty-five (45) days from the date
14 of service of this order, Plaintiff shall respond in writing and show cause why John/Jane Does 1-
15 10 should not be dismissed from this action. Failure to respond to this order will result in a
16 recommendation that John/Jane Does 1-10 be dismissed without prejudice.

17 IT IS SO ORDERED.

18 Dated: June 8, 2021

19 /s/ Eric P. Gray
20 UNITED STATES MAGISTRATE JUDGE