

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 BARRY L. BROOKINS,

10 Plaintiff,

11 vs.

12 RAJENDRA DWIVEDI,

13 Defendant.
14
15
16
17
18

1:18-cv-00645-DAD-GSA-PC

**ORDER REQUIRING DEFENDANT
DWIVEDI TO SHOW CAUSE WITHIN
THIRTY DAYS WHY DEFAULT SHOULD
NOT BE ENTERED AGAINST HIM
(ECF No. 32.)**

**ORDER DIRECTING CLERK'S OFFICE
TO SERVE COURTESY COPY OF THIS
ORDER ON DEFENDANT DWIVEDI AT
ADDRESS BELOW**

19 Barry L Brookins ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights
20 action pursuant to 42 U.S.C. § 1983.

21 This case now proceeds with Plaintiff's Complaint filed on May 10, 2018, against
22 defendant Rajendra Dwivedi ("Defendant") for failing to provide adequate medical care in
23 violation of the Eighth Amendment. (ECF No. 1.)

24 On September 15, 2019, defendant Dwivedi executed a waiver of service of summons
25 form which was submitted to the court on October 1, 2019 by the United States Marshal. (ECF
26 No. 32.) Defendant's response to Plaintiff's Complaint was due to be filed within 60 days after
27 August 15, 2019. Fed. R. Civ. P. 12(a), 6(d). (ECF No. 28 at 1.) The 60-day time period has
28 passed, and Defendant has not made an appearance or requested an extension of time.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Within **thirty (30) days** from the date of service of this order, Defendant Dwivedi
3 shall show cause why default should not be entered against him;
- 4 2. To facilitate his ability to comply with this order, Defendant's obligation to
5 respond to the Complaint is extended thirty days from the date of service of this
6 order;
- 7 3. Defendant's failure to respond to this order may result in entry of default against
8 Defendant; and
- 9 4. The Clerk's Office shall serve a courtesy copy of this order on Defendant at:

10 **Dr. Rajendra Dwivedi**
11 **623 W. Putnam Ave.**
12 **Porterville, CA 93257**

13
14
15 IT IS SO ORDERED.

16 Dated: **December 2, 2019**

/s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28