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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 BARRY L. BROOKINS,

10 Plaintiff,

11 vs.

12 RAJENDRA DWIVEDI,

13 Defendant.

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

**ORDER REQUIRING DEFENDANT DR.
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 DR. DWIVEDI
AND CALIFORNIA ATTORNEY
GENERAL AT ADDRESSES BELOW**

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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, 2019, against sole
22 defendant Dr. 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 nor 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
8 against Defendant; and
- 9 4. The Clerk's Office shall:

- 10 (1) serve a courtesy copy of this order on Defendant at:

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

14 and

- 15 (2) serve a courtesy copy of this order on the California Attorney General's
16 Office at:

17 **Monica N. Anderson**
18 **Supervising Deputy Attorney General**
19 **1300 "I" Street**
20 **Sacramento, CA 95814-2919**

21 IT IS SO ORDERED.

22 Dated: January 9, 2020

23 /s/ Gary S. Austin
24 UNITED STATES MAGISTRATE JUDGE
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