

1 mistakenly misidentified the defendant Rodriguez as a correctional officer and seeks additional
2 time to conduct discovery to properly identify this defendant. (Doc. 34.) If plaintiff establishes
3 good cause for the failure to effectuate timely service, the Court is required to extend the time for
4 service. Fed. R. Civ. P. 4(m). Therefore, good cause appearing, the Court **ORDERS** as follows:

- 5 1. The order to show cause (Doc. 28) is **VACATED**;
- 6 2. Plaintiff is granted an additional 60 days from the date of this Order to identify
7 defendant Rodriguez using traditional discovery methods. Once he has ascertained the
8 identify of this defendant, he may then move to amend his pleading. Once amended,
9 the Court will direct the United States Marshal to re-serve this defendant.

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11 IT IS SO ORDERED.

12 Dated: October 14, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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