



1 California. (ECF No. 48.) The order included the following information regarding Defendant  
2 Plata: “Plata, Correctional Officer; California State Prison – Corcoran; January 4, 2020.” (*Id.* at  
3 2.) On April 26, 2022, the Court received information that Defendant Plata could not be  
4 identified.

5 Accordingly, on April 27, 2022, the Court issued an order to show cause why Defendant  
6 Plata should not be dismissed from this action for failure to provide sufficient information to  
7 effectuate service, and directed Plaintiff to file a response within thirty days. (ECF No. 56.)

8 Currently before the Court is Plaintiff’s response, filed May 6, 2022. (ECF No. 59.) In  
9 his response, Plaintiff argues that as he is incarcerated and proceeding *pro se*, he cannot locate  
10 Defendant Plata on his own. While he has served discovery on the other named defendants, the  
11 Court has granted them a second extension of time to serve their discovery responses after new  
12 counsel was assigned. (*See* ECF No. 54.) Plaintiff states that the January 4, 2020 incident at  
13 issue in this action occurred in the 4A2R Rotunda and 4A2R/Left ICC Room, and references  
14 Appeal #5-20-00062. However, Plaintiff also asks that the Court wait until Defendants respond  
15 to his discovery requests before dismissing Defendant Plata, if this information is not sufficient  
16 identifying information. (ECF No. 59.)

17 Upon review of the filing, the Court finds it appropriate to construe the response as a  
18 motion for extension of time to provide additional identifying information for Defendant Plata,  
19 and finds that a response from Defendants is not necessary. The motion is deemed submitted.  
20 Local Rule 230(1).

21 In light of Plaintiff’s efforts to obtain identifying information for Defendant Plata,  
22 including submitting timely discovery requests to the other named defendants, the Court will  
23 discharge the order to show cause. However, because Plaintiff has already provided additional  
24 identifying information for Defendant Plata, Plaintiff’s motion for extension of time will be  
25 denied, without prejudice. The Court finds that it will be a more efficient use of resources to  
26 attempt to serve Defendant Plata based on the new information Plaintiff provided. If service is  
27 again unsuccessful, Plaintiff may file a renewed request to provide additional information about  
28 Defendant Plata after he receives Defendants’ responses to his discovery responses.

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Based on the foregoing, it is HEREBY ORDERED that:

1. The April 27, 2022 order to show cause, (ECF No. 56), is DISCHARGED;
2. Plaintiff's response to the order to show cause, (ECF No. 59), is construed as a motion for extension of time;
3. Plaintiff's motion for extension of time, (ECF No. 59), is DENIED, without prejudice; and
4. The Court will issue a separate order regarding E-Service of Defendant Plata.

IT IS SO ORDERED.

Dated: May 9, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE