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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOB SAVAGE,

Plaintiff,

No. 2:08-cv-1346-LKK-JFM (PC)

vs.

SUZAN HUBBARD, et al.,

Defendants.

ORDER AND

ORDER TO SHOW CAUSE

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on claims against twelve defendants named in plaintiff's first amended complaint, filed January 22, 2009. Eight of the named defendants have responded to plaintiff's amended complaint by filing motions to dismiss. The remaining four defendants, Dr. Sabin, Sergeant Johns, Officer Shelton and Officer Borbe, have not responded to the amended complaint as required by this court's February 20, 2009 order.¹ Accordingly, these four defendants will be ordered to show cause in writing why their default should not be entered as a sanction for their failure to comply with the court's February 20, 2009 order.

¹ These four defendants responded to plaintiff's original complaint by filing a motion to dismiss, but they have not responded to the amended complaint as required by this court's February 20, 2009 order.

1 On March 11, 2009, defendants filed a motion for a protective order, seeking
2 relief from responding to any discovery propounded by plaintiff pending ruling on the motion to
3 dismiss filed by seven defendants in response to the amended complaint and until a discovery
4 order has been issued in this action. On March 23, 2009, plaintiff filed an opposition to
5 defendants' motion together with a motion to compel responses to discovery requests served by
6 plaintiff on February 9, 2009. After review of the record, and good cause appearing, defendants'
7 motion for protective order will be granted nunc pro tunc to March 11, 2009. The protective
8 order will be lifted as to all defendants except defendants Hubbard and Grannis as of the date of
9 this order. All defendants except defendants Hubbard and Grannis will be granted a period of
10 forty-five days to respond to the discovery requests propounded by plaintiff on February 9, 2009.
11 Plaintiff's motion to compel responses to his February 9, 2009 discovery requests will be denied
12 without prejudice.

13 In accordance with the above, IT IS HEREBY ORDERED that:

14 1. Within ten days from the date of this order defendants Sabin, Johns, Shelton
15 and Borbe shall show cause in writing why their default should not be entered as a sanction for
16 their failure to respond to the amended complaint as required by this court's February 20, 2009
17 order;

18 2. Defendants' March 11, 2009 motion for a protective order is granted nunc pro
19 tunc to March 11, 2009;

20 3. The protective order is lifted as to all defendants except defendants Hubbard
21 and Grannis as of the date of this order;

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4. Defendants are granted a period of forty-five days from the date of this order in which to respond to plaintiff's February 9, 2009 discovery requests; and

5. Plaintiff's March 23, 2009 motion to compel is denied without prejudice.

DATED: December 22, 2009.


UNITED STATES MAGISTRATE JUDGE

¹²
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