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

MILTON SYKES,

Plaintiff,

No. 2:12-cv-2570 KJM KJN P

vs.

ATHANNASIOUS, et al.,

Defendants.

ORDER

On March 8, 2013, this court appointed Mr. Isaac Fisher as pro bono counsel for plaintiff, for limited purposes.¹ Plaintiff is incarcerated at the California Medical Facility (“CMF”), is 78 years of age (see Dkt. No. 12 at 16 (“DOB: 12/25/1934”)), and appears to have

¹ Mr. Fischer is presently appointed for the following limited purposes (Dkt. No. 28 at 2):

- a. Meet and confer with plaintiff regarding the allegations and claims set forth in his complaint;
- b. Provide the U.S. Marshal with any additional information necessary to perfect service of process on all defendants;
- c. Assess whether appointment of a medical expert is appropriate and, if so, select and obtain the consulting and reporting services of such expert, subject to the court’s authorization of such expenses; and
- d. Participate in an early settlement conference, if all parties request such a conference, after all defendants have been served.

1 significant health issues (see Dkt. No. 16 at 3).

2 On December 21, 2012, the court directed the United States Marshal to serve the
3 complaint on defendants Athannasious, Bick, Khaira, and Weiland. To date, only defendant
4 Khaira has filed a waiver of service, and answered the complaint. (Dkt. Nos. 29, 30.) Service of
5 process proceeds on the remaining defendants, with the exception of defendant Bick.

6 Process directed to defendant Bick was returned unserved by CMF with the
7 statement that defendant “is on sabbatical in Malaysia until August 2013 and is unreachable.”
8 (Dkt. No. 25 at 1.) Plaintiff’s counsel should, if possible, provide additional information to
9 enable the U.S. Marshal to serve this defendant. If counsel is unable to obtain such additional
10 information, he may request judicial intervention, e.g., by requesting that the California Attorney
11 General accept service on defendant Bick’s behalf.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Clerk of Court is directed to send plaintiff’s counsel one USM-285 form,
14 along with an instruction sheet and a copy of the complaint filed October 15, 2012 (Dkt. No. 1).

15 2. Within twenty-one (21) days after the filing date of this order, plaintiff shall
16 complete and submit the attached Notice of Submission of Documents to the court, with the
17 following documents:

- 18 a. One completed USM-285 form for defendant Bick;
- 19 b. Two copies of the endorsed complaint filed October 15, 2012; and
- 20 c. One completed summons.

21 3. Alternatively, plaintiff may, within the same deadline, request judicial
22 intervention to assist in completing service of process on defendant Bick, with an explanation
23 why plaintiff is unable to provide additional service information for the U.S. Marshal.

24 DATED: April 1, 2013

25 
KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE

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

MILTON SYKES,

Plaintiff,

No. 2:12-cv-2570 KJM KJN P

vs.

ATHANNASIOUS, et al.,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

- 1 completed summons form
- 1 completed USM-285 form
- 2 copies of the endorsed complaint

Date

Plaintiff