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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

_____ /

Plaintiff is a state prisoner, incarcerated at the California Medical Facility (“CMF”), who is 78 years of age. On December 21, 2012, this court directed the United States Marshal to serve plaintiff’s complaint on defendants Athannasious, Khaira, Weiland, and Bick. All defendants except Bick filed waivers of service, and answered the complaint. (ECF Nos. 29-30, 34-5, 37.)

On January 24, 2013, process directed to defendant Bick was returned unserved, with a statement that he “is on sabbatical in Malaysia until August 2013 and is unreachable.” (ECF No. 25.) On March 8, 2013, this court appointed Mr. Isaac Fisher to act as pro bono counsel for plaintiff, for the purpose, inter alia, of providing additional information to ensure service of process on all defendants. (ECF No. 28.) On April 1, 2013, this court specifically directed that Mr. Fisher obtain and provide additional information to serve process on defendant

1 Bick. (ECF No. 31.) Following Mr. Fisher's response, the court again directed the Marshal to
2 serve process on defendant Bick. (ECF No. 38.) However, on June 28, 2013, process directed to
3 defendant Bick was again returned unserved, with the statement that "[h]e is on sabbatical in
4 Malaysia." (ECF No. 41.)

5 Because Dr. Bick appears to be an essential party to this action, the court will
6 direct the Office of the Attorney General to determine if, and when, Dr. Bick will be returning to
7 his employment with the California Department of Corrections and Rehabilitation ("CDCR"),
8 and to identify the facility where he is anticipated to work. In addition, the Attorney General will
9 be directed to inform the court whether it will accept service of process on behalf of defendant
10 Bick, either pending or upon his return.

11 Accordingly, for the foregoing reasons, IT IS HEREBY ORDERED that, within
12 fourteen (14) days after the filing date of this order, a representative of the Attorney General's
13 Office shall file and serve a statement informing the court and plaintiff of the following:

14 1. Whether, and when, Dr. Bick will be concluding his sabbatical and returning to
15 his employment with CDCR, including the facility where he is scheduled to work; and

16 2. Whether, either pending or upon Dr. Bick's return, the Attorney General will
17 accept service of process on behalf of defendant Dr. Bick.

18 SO ORDERED.

19 DATED: July 15, 2013

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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