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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON SYKES,
Plaintiff,
v.
ATHANNASIOUS, et al.,
Defendants.

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

ORDER

Plaintiff is a state prisoner, proceeding in forma pauperis and with appointed counsel, in this civil rights action filed pursuant to 42 U.S.C. § 1983. On October 15, 2013, this court directed plaintiff's counsel to complete and submit the documents necessary to complete service of process on defendant Dr. Bick. (See ECF No. 52.) As the court then noted, the Attorney General's Office had recently informed the court that Dr. Bick had re-entered the country following a long sabbatical, and had returned to work at the California Medical Facility. The Attorney General's Office stated that it was authorized to accept service of process on behalf of Dr. Bick. (See ECF No. 51 (Statement of Attorney General).)

Therefore, on October 15, 2013, the court directed plaintiff's counsel to promptly return the necessary service documents to the court, which would direct service of process by the United States Marshal.

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1 To date, plaintiff's counsel has not responded to the court's order.

2 Accordingly, IT IS HEREBY ORDERED that, within seven (7) days after the filing date
3 of this order, plaintiff's counsel shall:

4 1. File and serve a statement demonstrating good cause for counsel's delay in responding
5 to the court's October 15, 2013 order (ECF No. 52), and an explanation why monetary or other
6 sanctions should not be imposed, see Local Rule 110 ("Failure of counsel . . . to comply . . . with
7 any order of the Court may be grounds for imposition by the Court of any and all sanctions
8 authorized by statute or Rule or within the inherent power of the Court.").

9 2. Submit the following documents to the court:

- 10 a. The completed Notice of Submission of Documents (attached);
- 11 b. One completed summons;
- 12 c. One completed USM-285 form for defendant Bick;¹ and
- 13 d. Two copies of the endorsed complaint filed October 15, 2012 (ECF No. 1).

14 3. Upon receipt of the above-described documents, the court will direct the U.S. Marshal
15 to serve defendant Bick forthwith, pursuant to Federal Rule of Civil Procedure 4, without
16 payment of costs; counsel for defendant Bick is directed to promptly waive service of process and
17 file a responsive pleading.

18 4. The court will thereafter issue an order addressing the merits of the instant order to
19 show cause.

20 ///

21 ///

22 _____
23 ¹ The Attorney General has informed the court and plaintiff's counsel that the U.S. Marshal
24 should send the appropriate service documents and request for waiver of service to defendant Dr.
Bick at the following address (ECF No. 51):

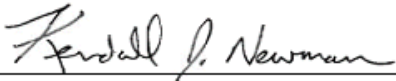
25 Mr. Wil Fong
26 Deputy Attorney General
27 Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
28 Oakland, CA 94612-0550

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5. The Clerk of Court is directed to send plaintiff's counsel one (1) blank USM-285 form.

Dated: March 11, 2014

/sykes.2570.osc.re-sbmt.Bick


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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MILTON SYKES,
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v.
ATHANNASIOUS, et al.,
Defendants.

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

NOTICE OF SUBMISSION OF
DOCUMENTS

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

_____:

- ___ One completed summons;
- ___ One completed USM-285 form for defendant Bick; and
- ___ Two copies of the endorsed complaint filed October 15, 2012.

_____ Date

_____ Plaintiff's Counsel