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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 TO SHOW CAUSE

Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On April 15, 2014, defendant Bick filed a waiver of service. (ECF No. 62.) The waiver states that judgment may be entered against defendant Bick if an answer or motion under Rule 12 is not filed within sixty days after March 24, 2014. Defendant Bick did not file an answer or motion under Rule 12 within sixty days of March 24, 2014.¹

Because plaintiff's counsel was appointed on April 24, 2014, plaintiff's counsel is likely unaware of the difficulty in obtaining service of defendant Bick. For this reason, the undersigned orders defendant Bick to show cause why judgment should not be entered against him for his failure to file a responsive pleading within sixty days of March 24, 2014.

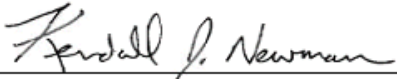
¹ On July 7, 2014, the Attorney General's Office filed a statement of non-opposition to plaintiff's motion to reopen discovery. (ECF No. 70.) This pleading lists Dr. Bick as being represented by the Attorney General's Office. This statement of non-opposition does not qualify as a responsive pleading.

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Accordingly, IT IS HEREBY ORDERED that within seven days of the date of this order, defendant Bick shall show cause why judgment should not be entered against him for his failure to file a responsive pleading within sixty days of March 24, 2014.

Dated: July 9, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE