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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WINSTON KEMPER,
Plaintiff,
v.
DR. CROSSON, et al.,
Defendants.

No. 2:14-cv-0305 KJN P

ORDER

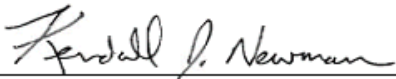
Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c).

On June 8, 2015, plaintiff filed a motion for sanctions. Plaintiff claims that on March 4, 2015, the court ordered defendants “to submit summary judgment statements” within 60 days. (ECF No. 32.) Because defendants have not filed such statements, plaintiff asks the court to impose sanctions. However, plaintiff is mistaken. On March 4, 2015, the court ordered the U.S. Marshal to serve process on defendants. If defendants do not waive services of process, the U.S. Marshal is required to personally serve process on defendants. Once service of process is accomplished, the U.S. Marshal will return summons. Defendants are not required to file a responsive pleading until after service of process is accomplished, and their deadline to respond varies depending on whether they waive service or are personally served. At this point, summons

1 demonstrating that service of process has been accomplished have not yet been filed, so no
2 deadline is presently pending for either defendant. Thus, plaintiff's motion for sanctions is
3 denied. Once defendants have filed an answer, the court will issue a scheduling order that will set
4 deadlines for the filing of dispositive motions, including motions for summary judgment.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for sanctions is denied
6 without prejudice.

7 Dated: June 29, 2015

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9 _____
10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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