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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> LUKENBILL, et al.,  <p style="text-align: center;">Defendants.</p>		No. 2:17-cv-2609 MCE KJN P  <u>ORDER</u>
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Plaintiff is a former jail inmate, now state prisoner, proceeding pro se. On October 30, 2020, the undersigned ordered plaintiff to show cause why defendant Lukenbill should not be dismissed based on plaintiff’s failure to timely serve process. (ECF No. 39.) On November 12, 2020, plaintiff filed a request that the U.S. Marshal serve process on Deputy Greg Lukenbill at the Placer County Sheriff’s Office in Auburn, California. (ECF No. 40.) However, service of process on Deputy Greg Lukenbill has already been attempted and returned unexecuted. (ECF No. 26 (“No one named Greg Lukenbill at this agency.”).) Thus, plaintiff’s motion is denied.


Plaintiff asks the court to provide plaintiff with a court or private investigator. First, the court does not employ a “court investigator.” As explained in the court’s order to show cause, the court cannot investigate for litigants. (ECF No. 39 at 3; see also ECF Nos. 30 at 2, 35.) Second, the expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress. Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989). The in forma pauperis statute does

1 not authorize the expenditure of public funds for investigators. See 28 U.S.C. § 1915. Finally,  
2 plaintiff states that he recently asked his sister to help verify Deputy Lukenbill's first name, but  
3 concedes he does not know if she will help. (ECF No. 40.) Plaintiff's statement is speculative at  
4 best, and fails to address what efforts he has taken since June 14, 2018, to identify Deputy  
5 Lukenbill. In an abundance of caution, plaintiff is granted an additional thirty days in which to  
6 respond to the October 30, 2020 order to show cause. Failure to respond will result in a  
7 recommendation that this action be dismissed, as set forth in the October 30, 2020 order.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's request (ECF No. 40), construed as a motion, is denied; and
- 10 2. Plaintiff is granted an additional thirty days from the date of this order in which to  
11 comply with the October 30, 2020 order to show cause.

12 Dated: November 23, 2020

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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