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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL C. TOMASINI,
Plaintiff,
v.
JAMES CHAU, et al.,
Defendants.

No. 2:18-cv-0286 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 18, 2022, Plaintiff was directed to file additional information with the Court to effectuate service of the Second Amended Complaint on Defendant Dr. Darrel (or Darrell) Hopkins,¹ or in the alternative, to show good cause why he is unable to do so. See ECF No. 33. At that time, Plaintiff was given the appropriate service documents, and he was given sixty days to comply with the Court’s order. See id. at 1-2.

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¹ Throughout this case, Plaintiff has spelled Defendant Dr. Hopkins’ first name two different ways. See ECF No. 1 at 4; ECF No. 15 at 36-39.

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On January 31, 2022, Plaintiff filed a motion to dismiss Defendant Hopkins from this action, along with the cause of action stated against him, pursuant to Federal Rule of Civil Procedure 41. See ECF No. 36. Plaintiff's motion will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to dismiss (ECF No. 36) is GRANTED, and
2. Defendant Dr. Darrel (or Darrell) Hopkins and the claim against him are DISMISSED without prejudice. See Fed. R. Civ. P. 41(a)(2).

DATED: February 15, 2022



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE