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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH LEON MCDANIEL,
Plaintiff,
v.
JOE LIZARRAGA, et al.,
Defendants.

No. 2:19-cv-1136 JAM KJN P

ORDER TO SHOW CAUSE

Plaintiff is a state prisoner, proceeding through counsel. On December 11, 2019, plaintiff was granted ninety days in which to accomplish service of process on the remaining defendants. (ECF No. 12.) To date, all defendants have appeared in this action except for defendant Dr. Crooks. On June 4, 2020, plaintiff filed a proof of service, to which he appended a document docketed as “Exhibit Non Service Crooks,” and entitled, “Declaration of Diligence,” which sets forth failed efforts to personally serve Dr. Crooks.

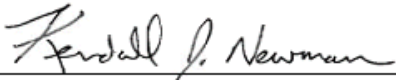
Rule 4(m) of the Federal Rules of Civil Procedure provides that if a defendant is not served within 90 days after the complaint is filed, the court must dismiss the action without prejudice against the defendant or order that service be made within a specified time. Fed. R. Civ. P. 4(m).

Plaintiff has not sought a further extension of time in which to serve Dr. Crooks, and the undersigned is unaware of any other efforts plaintiff has undertaken to locate Dr. Crooks, for

1 example, through discovery, the California Public Records Act, Calif. Gov't. Code § 6250, et
2 seq., or other means available to plaintiff.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff show cause, within fourteen days,
4 why defendant Dr. Crooks should not be dismissed from this action. Fed. R. Civ. P. 4(m).

5 Dated: October 13, 2020

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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