

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CHESTER WEBB,

Plaintiff,

vs.

Case No: 4:12-cv-308-SPM-GRJ

WARDEN, et al.,

Defendants.

ORDER

This matter is before the Court on Doc. 19, Plaintiff's response to an order to show cause why he has not provided the Court with further information regarding his efforts to identify Defendants so that service can be obtained. Plaintiff is an inmate at the Florida Department of Corrections ("FDOC") and alleges violations of his civil rights by 15 unnamed FDOC employees during a December 22, 2010 incident where Plaintiff was assaulted by another inmate. (Doc. 1.) This Court previously advised Plaintiff that it is incumbent upon him to ascertain the identities of the unidentified defendants so that they may be served and directed him to identify Defendants by September 4, 2012. (Doc. 7.) On August 30, 2012, Plaintiff mailed to the Court a copy of an inmate request for the names of the personnel working on the date of his alleged incident. (Doc. 14.) The inmate request was dated August 28, 2012. In his response to the Order to Show Cause, Doc. 19, Plaintiff advises the Court that he has not received a response from the DOC regarding his request for names of defendants. Plaintiff asks the Court to order the release the duty roster from Taylor C.I. and grant him additional time to obtain

the names of defendants. That response was provided to prison officials for mailing on November 13, 2012 and was the last document filed by Plaintiff.

Accordingly, it is **ORDERED** that:

1. **On or before February 1, 2013**, Plaintiff shall provide the Court with an update on his efforts to obtain the identities of the defendants and comply with the Court's August 3, 2012 Order (Doc. 7), which stated: "If Plaintiff determines the identity of a defendant, he shall identify them by name in a notice to the Court. If Plaintiff is unable to ascertain the an individual's identity, he shall inform the Court, in a sworn affidavit, of the steps taken to discover each individual's identity. Additionally, he shall provide a physical description of each unidentified defendant."
2. Failure to comply with this order within the allotted time, or to show cause why Plaintiff is unable to comply, **will result in a recommendation to the district judge that the case be dismissed without further notice for failure to prosecute and failure to follow a Court order.**
3. The extent Plaintiff's response (Doc. 19) is intended to also be a motion for discovery, consideration will be **DEFERRED** until Plaintiff has complied with the Court's orders.

DONE AND ORDERED this 2nd day of January 2013.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge