

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUS MORENO,

Plaintiff,

v.

No. 16-cv-0013 JCH/SMV

**GEO GROUP; CORIZON, INC.; FNU WALDEN;
NEW MEXICO CORRECTIONS DEPARTMENT;
TIMOTHY B. HATCH; and ERASMO BRAVO;**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff must show cause no later than **March 30, 2018**, why his claims against Geo Group, Dr. Walden, New Mexico Corrections Department, Timothy B. Hatch, and Erasmo Bravo should not be dismissed without prejudice for lack of service.

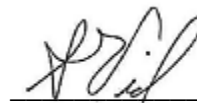
Plaintiff, proceeding pro se, filed his original Complaint against Defendants Geo Group, Corizon, and Dr. Walden in state court on September 3, 2015. [Doc. 1-1] at 2–6. Plaintiff alleged that a prison doctor, Mark Walden, sexually abused him during medical visits, touching his genitalia, anus, groin, and buttocks in a sexual manner to gratify the doctor’s own sexual desire, which violated Plaintiff’s constitutional rights. *Id.* The case was removed to this Court on January 7, 2016. [Doc. 1]. The Court granted Plaintiff’s motion to refer to his case to the Court’s pro bono panel on April 7, 2017. [Doc. 22]. Attorney Samantha Adams appeared for Plaintiff on September 11, 2017. [Doc. 25]. With Ms. Adams’ assistance, and leave of Court, Plaintiff filed his Second Amended Complaint on October 3, 2017, adding three new Defendants,

the New Mexico Corrections Department, Timothy B. Hatch, and Erasmo Bravo. [Doc. 34]. To date, the docket reflects service on only one Defendant: Corizon.

Plaintiff had 90 days from the filing of the Notice of Removal, or until April 6, 2016, to serve Defendants Geo Group and Walden. *See Wallace v. Microsoft Corp.*, 596 F.3d 703, 706 (10th Cir. 2010) (holding that, in removed cases, the time line for service of process in Fed. R. Civ. P 4(m) begins when the notice of removal is filed). Plaintiff had 90 days from filing the Second Amended Complaint, or until January 2, 2018, to effect service of process on the newly added Defendants, the New Mexico Corrections Department, Timothy B. Hatch, and Erasmo Bravo. *See Fed. R. Civ. P. 4(m)* (2015). There is no indication on the record that service of process has been effectuated with respect to the Defendants Geo Group, Dr. Walden, New Mexico Corrections Department, Timothy B. Hatch, or Erasmo Bravo.

IT IS THEREFORE ORDERED that Plaintiff show good cause why his claims against Defendants Geo Group, Dr. Walden, New Mexico Corrections Department, Timothy B. Hatch, and Erasmo Bravo should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff must file his response no later than **March 30, 2018**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge