

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

DAVID TORTALITA,

Petitioner

vs.

1:17-cv-00684-RB-KRS

TODD GEISEN, CAPTAIN/WARDEN

Bureau of Indian Affairs, Office of Justice Services,
Division of Corrections

And

TIMOTHY BAILON, Tribal Official, Kewa Pueblo,
Individual and Official Capacity, and
ROGER CALABAZA, Tribal Official, Kewa Pueblo,
Individual and Official Capacity, and
FREDERIC REANO, Tribal Official, Kewa Pueblo,
Individual and Official Capacity, and
LOUIS TORTALITA, Tribal Official, Kewa Pueblo,
Individual and Official Capacity, and
VINCENT AGUILAR, Tribal Official, Kewa Pueblo,
Individual and Official Capacity, and

EARL CHICHARELLO, BIA Federal Officer #864, Bureau of Indian Affairs, Southern Pueblos
Agency, Office of Justice Services,

Respondents.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte* following a review of Respondent Geisen's Answer to Petition for Writ of Habeas Corpus [Doc. No. 6]. Included in Respondent Geisen's answer is the allegation that Respondent Chicharello should be dismissed from this action on the ground that he is an improper party. [Doc. No. 6, pp. 5-6]. Petitioner has neither responded to this allegation nor effectuated service upon Mr. Chicharello. The latter is in violation of Fed. R. Civ. P. 4(m).

IT IS, THEREFORE, ORDERED that on or before **December 1, 2017**, Petitioner shall

file a response to this Order showing cause why Respondent Chicharello should not be dismissed from this action. Petitioner is hereby notified that failure to respond to this Order may result in Respondent Chicharello's dismissal from this case without prejudice and without further notice.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kevin Sweazea", is written over a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE