

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Talavera v. Ravijot

No. 1:23-cv-00595-JLT-CDB (PC), United States District Court for the Eastern District of California (June 2, 2025)

SUMMARY

The United States District Court for the Eastern District of California discharged its order to show cause concerning the failure to timely file service waivers and a responsive pleading for Defendant Ravijot Gill. The court found counsel’s conduct constituted excusable neglect and directed the Clerk to provide service documents to the United States Marshals Service for service upon Gill.

CASE DETAILS

|                    |                                                                                                                                                                                           |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of California                                                                                                                       |
| JURISDICTION       | United States District Court for the Eastern District of California                                                                                                                       |
| DECIDED            | June 2, 2025                                                                                                                                                                              |
| DOCKET             | 1:23-cv-00595-JLT-CDB (PC)                                                                                                                                                                |
| DISPOSITION        | other                                                                                                                                                                                     |
| PROCEDURAL POSTURE | Post-screening prisoner civil-rights action in which the court considered counsel's response to an order to show cause regarding missed service-waiver and responsive-pleading deadlines. |
| PRECEDENTIAL VALUE | unpublished and nonprecedential district-court order                                                                                                                                      |

TOPICS

service of process    sanctions    prisoners rights    section 1983    civil procedure

PRACTICE AREAS

civil procedure    prisoner civil rights    service of process

QUESTIONS PRESENTED

- Whether counsel's failure to meet the extended deadlines for filing a service waiver and responsive pleading constituted excusable neglect warranting discharge of the order to show cause.
- Whether the Clerk should provide the service documents to the United States Marshals Service for service upon Defendant Gill.

## HOLDINGS

1. Counsel's conduct was the result of excusable neglect, so the May 28, 2025 order to show cause should be discharged.
2. The Clerk must provide the specified pleadings, orders, and summons to the United States Marshals Service for service upon Defendant Ravijot Gill pursuant to the prior service order.

## KEY QUOTATIONS

*“Although counsel offers no explanation for why he allowed the May 16 and May 19 filing deadlines to pass without making any filings (such as a request for additional time or a report about his inability to timely file a service waiver), the Court concludes that counsel’s conduct cited in the show cause order is the result of excusable neglect.” (2)*

## FACTUAL BACKGROUND

Plaintiff is a state prisoner pursuing Eighth Amendment claims against several defendants under § 1983. The court had extended the deadlines for service waivers and a responsive pleading for Defendant Gill, but the deadlines passed without filings. Counsel explained that Gill was involved in separate litigation against the California Department of Corrections and Rehabilitation, creating a waivable conflict, and that Gill had not provided informed written consent to representation.

## PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed a 42 U.S.C. § 1983 action. After screening, the action proceeded on Eighth Amendment deliberate-indifference and excessive-force claims, and the court found service appropriate. The California Office of the Attorney General missed extended deadlines concerning service waivers and a responsive pleading for Defendant Gill, prompting a show-cause order. After considering counsel's explanation that a conflict prevented representation of Gill, the court discharged the show-cause order and directed the Clerk to provide service documents to the United States Marshals Service.

## DISPOSITION

other

## CASES CITED

- In re Veritas Software Corp. Sec. Litig., 496 F.3d 962, 973 (9th Cir. 2007)