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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Joseph Gerald Eldridge,

10 Plaintiff,

11 v.

12 JD Schroeder,

13 Defendant.
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No. CV-14-01325-PHX-DGC (ESW)

ORDER

15
16 The Court has considered Plaintiff's untitled motion (Doc. 34) filed on June 25,
17 2015 and Motion to Compel (Doc. 36) filed on August 17, 2015. The motions are
18 deemed submitted for decision as no defendant has been served.

19 Plaintiff is a pro se prisoner confined in the Arizona State Prison Complex-Eyman
20 in Florence, Arizona. Pending before the Court is Plaintiff's First Amended Complaint
21 (Doc. 21) which alleges a violation of 42 U.S.C. § 1983. Pursuant to 28 U.S.C. §
22 1915(A)(a), the Court screened Plaintiff's First Amended Complaint and ordered
23 Defendant Schroeder to answer or otherwise respond by motion (Doc. 29). The United
24 States Marshal unsuccessfully attempted service (Doc. 33) on Defendant Schroeder at a
25 last known address filed under seal by the Attorney General (Doc. 26). Defendant
26 Schroeder is no longer employed at the Department of Corrections, and he has moved
27 from the residence listed as his last known address.

28 Plaintiff requests a variety of documents regarding Defendant Schroeder with the

1 intention of locating him for service of process. Therefore, the Court will grant Plaintiff
2 an extension of time to complete service and will permit the Plaintiff to conduct
3 reasonable discovery limited to ascertaining the requisite service information for
4 Defendant Schroeder, specifically Defendant Schroeder's current address. The Marshal's
5 inability to effect service on Plaintiff's behalf is good cause for an extension of time to
6 complete service of process. *Pruett v. Blanford*, 912 F.2d 270, 276 (9th Cir. 1990).
7 Plaintiff may obtain Defendant Schroeder's address through subpoenas. The Court will
8 provide Plaintiff with five subpoenas duces tecum which he may use to obtain the address
9 information. In view of the foregoing, the Court will deny the Plaintiff's Motion to
10 Compel (Doc. 36) and untitled motion (Doc. 34).

11 Therefore,

12 **IT IS ORDERED** denying Plaintiff's Motion to Compel (Doc. 36) and untitled
13 motion (Doc. 34).

14 **IT IS ORDERED** extending time to effect service of process to ninety (90) days
15 from the date of filing of this Order.

16 **IT IS FURTHER ORDERED** that:

17 1. The Clerk of the Court is directed to issue and send to Plaintiff five subpoenas
18 duces tecum in blank.

19 2. Plaintiff shall complete the subpoenas duces tecum requesting documents that
20 would contain a current address for Defendant Schroeder and return the subpoenas duces
21 tecum to the Clerk of Court on or before **October 13, 2015**.

22 3. Upon receipt of the completed subpoenas, the Clerk of Court is directed to
23 forward them to the U.S. Marshal for service.

24 **IT IS FURTHER ORDERED** that:

25 1. Plaintiff must complete the subpoenas such that the documents requested are
26 returned to the Court, not to Plaintiff.

27 2. Upon receipt of the documents, the Clerk of Court is directed to file the
28 documents containing the address of Defendant Schroeder **under seal**.

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3. Upon receipt of the address of Defendant Schroeder, the Clerk of Court is directed to complete a service packet and forward it to the United States Marshal for service.

4. Service shall be made within ninety (90) days of the date of this order at Government expense by the United States Marshal or his authorized representative pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure. Failure to accomplish service within this time period may result in dismissal of Plaintiff's claims for failure to serve pursuant to Fed. R. Civ. P. 4(m).

5. Defendant has **twenty (20) days** from the date of service within which to answer or otherwise respond to the Complaint as provided by the Federal Rules of Civil Procedure.

Dated this 15th day of September, 2015.



Honorable Eileen S. Willett
United States Magistrate Judge