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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Taryn Christian,

10 Plaintiff,

11 v.

12 Todd Thomas, et al.,

13 Defendants.
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No. CV-21-00733-PHX-DWL (ESW)

ORDER

15 Plaintiff is a pro se prisoner confined in the Saguaro Correctional Facility in Eloy,
16 Arizona. Pending before the Court is Plaintiff's First Amended Complaint (Doc. 7) which
17 alleges violations of 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 1915A(a), the Court
18 screened Plaintiff's First Amended Complaint and ordered Plaintiff to file a Notice of
19 Substitution regarding Defendant Trinity Food Service Supervisor Unknown within 120
20 days of the filing of the Order (Doc. 8 at 17).

21 On December 27, 2021, Plaintiff filed a Notice of Substitution (Doc. 15) which
22 requests substitution of Defendant Trinity Food Service Supervisor Unknown with
23 Defendant Trinity Food Service Supervisor Esparza. However, Plaintiff indicates that he
24 has not ascertained proposed Defendant Esparza's first name or his location for purposes
25 of service of process. Plaintiff alternatively requests that the Court construe the Notice of
26 Substitution as a subpoena motion to enable Plaintiff the opportunity to obtain information
27 necessary to effectuate service of process on Defendant Trinity Food Service Supervisor
28 Unknown, now identified as "Esparza." Therefore, the Court will substitute Defendant

1 Trinity Food Service Supervisor Esparza for Defendant Trinity Food Supervisor Unknown.
2 The Court will further provide Plaintiff with a subpoena duces tecum to obtain the current
3 work address of Defendant Trinity Food Service Supervisor Esparza from Defendant's
4 employer to facilitate completion of a service packet to be returned to the Clerk of Court
5 and forwarded to the United States Marshal's Service ("USMS") for service of process.
6 Plaintiff may alternatively request in his subpoena duces tecum to Defendant's employer
7 Defendant's last known home address to be filed under seal should Defendant Trinity Food
8 Service Supervisor Esparza no longer be employed by the employer Plaintiff identifies in
9 his subpoena duces tecum.

10 **IT IS ORDERED** granting Plaintiff's "Notice of Substitution" (Doc. 15).
11 Defendant Trinity Food Service Supervisor Esparza is substituted for Defendant Trinity
12 Food Service Supervisor Unknown.

13 **IT IS FURTHER ORDERED** that:

14 1. The Clerk of Court is directed to issue and send to Plaintiff two subpoenas duces
15 tecum in blank.

16 2. Plaintiff shall complete the subpoenas duces tecum requesting documents that
17 would contain a current work and/or home address to be filed under seal for Defendant
18 Esparza and return the subpoena(s) duces tecum to the Clerk of Court on or before February
19 1, 2022.

20 3. Upon receipt of the completed subpoena(s), the Clerk of Court is directed to
21 forward them to USMS for service.

22 **IT IS FURTHER ORDERED** that:

23 1. Plaintiff must complete the subpoena(s) such that the documents requested are
24 returned to the Court, not to Plaintiff.

25 2. Upon receipt of the documents, the Clerk of Court is directed to file the
26 documents containing the home address of Defendant Esparza under seal.


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

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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 11th day of January, 2022.



Honorable Eileen S. Willett
United States Magistrate Judge