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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DERRICK RABBI STRONG,

CASE NO. 1:04-cv-05331-AWI-MJS PC

Plaintiff,

ORDER DIRECTING U.S. MARSHAL TO
INFORM THE COURT RE SERVICE OF
PROCESS UPON DEFENDANT

v.

H. VILLAPUEDA,

Defendant.

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983.

The Court ordered service to be made by the U.S. Marshal pursuant to Federal Rule of Civil Procedure 4(c)(3) because plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. On March 31, 2008, the summons issued for defendant Villapueda was returned as unexecuted, indicating that the U.S. Marshal was unable to locate defendant. The unexecuted summons returned to the Court indicated that defendant Villapueda could not be located at the prison facility using the information provided by plaintiff. Attached to the return of service is a letter from the Litigation Coordinator at CSP Corcoran to the U.S. Marshal Service, indicating that H. Villapueda may be located at Folsom State Prison.

Accordingly, on February 19, 2010, an order was entered, directing the U.S. Marshal to contact the Litigation Coordinator at Folsom State Prison in order to attempt service upon defendant Villapueda. The U.S. Marshal was directed to inform the court within 90 days whether they were

1 able to locate defendant Villapueda. A review of the electronic docket indicates that the U.S.
2 Marshal was not served with the order of February 19, 2010.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Clerk's Office shall serve a copy of this order on the U.S. Marshal.

5 2. The U.S. Marshal is directed to file a response to this order within 90 days of the date of
6 service of this order.

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12 IT IS SO ORDERED.

13 Dated: June 4, 2010

/s/ Michael J. Long
UNITED STATES MAGISTRATE JUDGE