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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DERRICK RABBI STRONG,  
Plaintiff,

v.

H. VILLAPUEDA,  
Defendant.

CASE NO. 1:04-cv-5331-AWI-MJS (PC)

ORDER REQUIRING PLAINTIFF TO  
SUBMIT ADDITIONAL INFORMATION FOR  
SERVICE OF DEFENDANT

PLAINTIFF'S RESPONSE DUE 7/20/2010

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Plaintiff Derrick Rabbi Strong ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's Second Amended Complaint, filed May 3, 2006, against Defendant H. Villapueda<sup>1</sup> for violating the Eighth Amendment. Because Plaintiff is proceeding in forma pauperis, the Court must appoint the United States Marshal to serve the Defendant with a summons and complaint. Fed. R. Civ. Pro. 4(c)(2).

Plaintiff submitted a completed USM-285 form indicating that Defendant could be served at Corcoran State Prison. However, when service was attempted at Corcoran, the mail was returned with a notation that there was no employee by that name. The United States Marshall has contacted the litigation coordinators for both Corcoran and Folsom State Prisons. Neither facility employs an H. Villapueda.

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<sup>1</sup> The Court notes that the Defendant's name appears as both H. Villapueda and H. Villapidia in the record.

1           Ultimately, Plaintiff bears the burden of providing the Marshall's service with  
2 sufficient information to serve a defendant. See Walker v. Sumner, 14 F.3d 1415, 1422  
3 (9th Cir. 1994). Accordingly, the Court ORDERS Plaintiff to provide the Court with further  
4 information to assist the Marshal in serving H. Villapueda. Such information must be  
5 provided to the Court by **July 20, 2010**. Failure to meet this deadline and provide accurate  
6 information as to the whereabouts of Defendant Villapueda may result in dismissal of this  
7 action.

8  
9 IT IS SO ORDERED.

10 Dated: June 16, 2010

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE