

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

EMMANUEL T. BULL,

Plaintiff,

v.

Y. RIVERA, et al.,

Defendants.

NO. 1:05-cv-01255-LJO-GSA-PC

ORDER REQUIRING PLAINTIFF TO
FURNISH FURTHER
INFORMATION FOR INITIATION
OF SERVICE OF PROCESS

RESPONSE DUE IN THIRTY DAYS

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2011, an order was entered, directing the U.S. Marshal to effect service of the February 1, 2008, amended complaint upon Defendants Y. Rivera and J. Brown. On March 25, 2011, the service form for Defendant Brown was returned by the U.S. Marshal as unexecuted. The return indicates that “No J. Brown employed per CDC locator. Several J. Browns in database.” On March 31, 2011, the U.S. Marshal returned the service form for Defendant Rivera. The form indicates that there is no Y. Rivera listed in the CDC locator.

Because Plaintiff is proceeding in forma pauperis, the Court must appoint the U.S. Marshal to serve each defendant with a summons and complaint. Fed. R. Civ. Pro. 4(c)(2). However, the Marshal cannot locate and serve unidentified defendants. It appears that there are

1 no individuals with the name of Y. Rivera, and that there are several J. Browns employed by the
2 CDCR. Within thirty days of the date of service of this order, Plaintiff shall provide the Court
3 with further information to assist the Marshal in serving defendants. The responsibility to
4 provide accurate information belongs to Plaintiff. The U.S. Marshal is required to serve on
5 Plaintiff's behalf using only the information provided by Plaintiff. The U.S. Marshal is not
6 required to do an independent investigation beyond what appears to have been done to find more
7 current or accurate information than that provided by Plaintiff.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall, within thirty days of the
9 date of service of this order, submit any further information to the Court to assist in identifying
10 and locating Defendants Brown and Rivera. Plaintiff's failure to do so will result in a
11 recommendation that these Defendants be dismissed.

12
13
14
15 IT IS SO ORDERED.

16 **Dated: April 7, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE