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

JESS RICO MARTINEZ,

Plaintiff,

vs.

DEPUTY NATION,

Defendant.

1:06 CV 01074 LJO YNP SMS (PC)

ORDER REQUIRING PLAINTIFF TO
FURNISH FURTHER INFORMATION
FOR INITIATION OF SERVICE OF
PROCESS AND ORDER DENYING MOTION
FOR ENTRY OF DEFAULT

[Doc. 40]

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 First Amended Complaint, filed July 21, 2008, against Defendant Deputy Mark Nation. Pending before the Court is Plaintiff’s request for the entry of default against Defendant Nation.

On December 8, 2008, an order was entered, directing the U.S. Marshal to serve a summons and a copy of the First Amended Complaint upon Defendant Nation. On February 2, 2009, Plaintiff filed a motion for the entry of default against Defendant Nation. On March 12, 2009, the summons was returned as unexecuted. The U.S. Marshal does not have sufficient information to locate and serve Defendant Nation.

Because plaintiff is proceeding in forma pauperis, the court must appoint the United States Marshal to serve each defendant with a summons and complaint. Fed. R. Civ. Pro. 4(c)(2). However,

1 the Marshal cannot locate and serve unidentified defendants.

2 Within thirty days from the date of service of this order, plaintiff shall provide the court with
3 further information to assist the Marshal in serving defendants. If plaintiff can remember any other
4 details that might assist the court and the Marshal, plaintiff shall so inform the court. Because
5 Defendant Nation has not been served, entry of default is inappropriate at this point.

6 Based on the foregoing, it is HEREBY ORDERED that:

7 1. Wwithin thirty (30) days from the date of service of this order, plaintiff shall provide the court
8 with any and all information he has that might help the Marshal identify and serve Defendants Nation.

9 2. Plaintiff's motion for the entry of default against Defendant Nation is denied.

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11 IT IS SO ORDERED.

12 **Dated:** August 12, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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