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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

STANLEY H. SOLVEY,

CASE NO. 1:07-cv-00182-LJO-GSA PC

Plaintiff,

ORDER DISCHARGING ORDER TO SHOW CAUSE

v.

(Doc. 58)

JAMES TILTON, et al.,

Defendants.

Plaintiff Stanley H. Solvey is a former state prisoner proceeding pro se in this civil rights action. On February 23, 2009, the Court ordered Plaintiff to show cause why Defendants M. C. Voss and LVN Bradshaw should not be dismissed from this action based on Plaintiff's failure to provide sufficient information for the United States Marshal to locate and serve them. Fed. R. Civ. P. 4(m). Plaintiff filed a response on March 3, 2009.

Although Plaintiff contends that Voss was a high ranking employee who retired from the California Department of Corrections and Rehabilitation and should be collecting a pension check, the United States Marshal was informed by the Legal Affairs Division that it had no information or current address for Voss. (Doc. 52.)

Contact with the Legal Affairs Division exhausts the Court's and the Marshal's final available avenue for information on locating CDCR employees. Should it be demonstrated that false information was supplied to the Marshal, the Court will take appropriate action. However, at this juncture, the Court must accept that CDCR does not know where Voss is located. Plaintiff may attempt to secure further information on Voss's location through the discovery process. The failure

1 to supply further information on Voss by the close of discovery will result in the dismissal of Voss  
2 from this action. Fed. R. Civ. P. 4(m).

3 With respect to Bradshaw, the Marshal was informed by the Legal Affairs Division that the  
4 personnel office at Pleasant Valley State Prison has no record of Bradshaw. (Doc. 53.) Plaintiff  
5 states that Bradshaw, a female LVN, was a contract employee. Neither the Court nor the Marshal  
6 have the ability nor the duty to conduct an investigation on Plaintiff's behalf. Walker v. Sumner,  
7 14 F.3d 1415, 1421-22 (9th Cir. 1994). However, based on this information, the Legal Affairs  
8 Division should be able to inform the Marshal of the agency that supplied Bradshaw to CDCR as a  
9 contract employee and if she is still working for CDCR as a contract employee. Id. Accordingly,  
10 the Marshal will be directed to again contact the Legal Affairs Division regarding LVN Bradshaw.

11 Based on the foregoing, the order is show cause is HEREBY DISCHARGED.

12  
13  
14 IT IS SO ORDERED.

15 Dated: July 9, 2009

15 /s/ Gary S. Austin  
16 UNITED STATES MAGISTRATE JUDGE