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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GILBERT F. COLON,

1:07-cv-00932-AWI-GSA-PC

Plaintiff,

ORDER DENYING MOTION FOR
COURT ASSISTANCE TO
DISCOVER INFORMATION
(Doc. 57.)

v.

DR. ST. CLAIR, et al.,

ORDER EXTENDING TIME FOR
PLAINTIFF TO RENEW MOTION
FOR SUBSTITUTION

Defendants.

THIRTY DAY DEADLINE

_____ /

Gilbert F. Colon (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on June 28, 2007. (Doc. 1.) This action now proceeds on Plaintiff’s Amended Complaint filed on June 5, 2008, against defendants Sydenstricker, Greenough,¹ Peterson, Thomatos, and Witwer, for inadequate medical care in violation of the Eighth Amendment.² (Doc. 13.)

¹Plaintiff named defendant Dr. Greenbough in the complaint. (Doc. 13.) Corcoran State Prison, where defendant Greenough was employed, refers to him as Dr. William Greenough . (Doc. 41 at 3.) The Court uses the spelling Greenough herein to identify this defendant.

²All other claims and defendants were dismissed from this action by the Court on May 27, 2009. (Doc. 16.)

1 On November 22, 2010, Plaintiff filed a motion for the Court to assist him in identifying
2 and obtaining addresses for the successors or representatives of Dr. Greenough, or their
3 attorneys, to enable Plaintiff to serve a motion for substitution under Rule 25(a)(1). (Doc. 57.)
4 As Plaintiff was informed in the Court's order issued on November 8, 2010, it is Plaintiff's
5 responsibility to identify and locate Dr. Greenough's heirs or representatives and serve them with
6 a copy of the motion for substitution, pursuant to Rule 25(a)(1). Therefore, Plaintiff's motion is
7 denied. Plaintiff shall be granted additional time in which to renew his motion for substitution.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion for Court assistance in identifying and locating defendant
10 Greenough's heirs or representatives is DENIED;
- 11 2. Plaintiff is granted thirty days from the date of service of this order in which to
12 renew his motion for substitution under Rule 25(a)(1), pursuant to the Court's
13 order of November 8, 2010; and
- 14 3. Plaintiff's failure to file a motion for substitution shall result in the dismissal of
15 defendant Greenough from this action.

16
17 IT IS SO ORDERED.

18 **Dated: November 23, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE