

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**

Phillip Rosenblum,)	No. CV 1-08-0448-SMM
Plaintiff,)	ORDER
vs.)	
Mule Creek State Prison Medical Staff, et)	
al.,)	
Defendants.)	

This matter is before the Court on its review of the docket. Plaintiff commenced this action on March 27, 2008 (Doc. 1). On May 11, 2009, the Court ordered service on Defendants Akintola, Nale, Diep, Vilaysane, Das, Galloway, Mclean, Williams, Stocker, Hall, Jensen, Igbinoso, Cliforde, O’Shaughnessy, and Robinson (Doc. 17). Defendants Akintola, Nale, Diep, Das, Galloway, Mclean, Stocker, Hall, Jensen, Igbinoso, O’Shaughnessy, and Robinson waived service of process (Docs. 19,20,24,26). However, on June 25, 2009, service as to Defendants Vilaysane and Cliforde was returned unexecuted (Doc. 18). Defendant Williams has not waived service of process and his summons was not returned as unexecuted.

After consideration of this matter,

IT IS HEREBY ORDERED that on or before **October 23, 2009**, the served Defendants shall provide under seal the last known address of Defendants Vilaysane, Cliforde, and Williams. In the alternative, Defendants may file a notice accepting service on behalf of the foregoing defendants. Except for disclosure to the U.S. Marshals Service,

1 Defendants' address shall be kept confidential and any documents relating to service on the
2 Defendants named herein shall be filed under seal.

3 **IT IS FURTHER ORDERED** that:

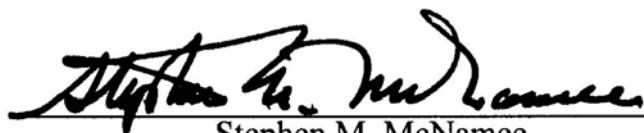
4 1. Upon receipt of Defendants Vilaysane, Cliforde, and Williams' addresses the Clerk
5 of Court shall complete a service packet and forward it to the United States Marshal Service.

6 2. Service shall be made within sixty (60) days of the date of this order at
7 Government expense by the United States Marshal or his authorized representative pursuant
8 to Rule 4(e)(1) of the Federal Rules of Civil Procedure. Failure to accomplish service within
9 this time period may result in dismissal of Plaintiff's claims against Defendants Vilaysane,
10 Cliforde, and Williams for failure to serve pursuant to Federal Rule of Civil Procedure 4(m).

11 3. Defendants shall have **twenty (20) days** from the date of service within which to
12 answer or otherwise respond to the Complaint as provided by the Federal Rules of Civil
13 Procedure.

14 4. Any answer or responsive pleading shall state the specific Defendant(s) by name
15 on whose behalf it is filed. The Court may strike any answer or responsive pleading that
16 does not identify the specific Defendant(s) by name on whose behalf it is filed.

17 DATED this 2nd day of October, 2009.

18
19 

20 _____
21 Stephen M. McNamee
22 United States District Judge
23
24
25
26
27
28