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

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

This matter is before the Court on the expiration of the service deadline in this case. 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.

On October 5, 2009, the Court ordered the served Defendants to provide under seal the last known addresses of Defendants Vilaysane, Cliforde, and Williams by October 23, 2009 (Doc. 27). Thereafter, on October 23, the served Defendants submitted the last known address of Defendant Vilaysane under seal (Doc. 29). In her attached Declaration, defense counsel states that she manually submitted Defendant Vilaysane’s address to the Fresno

1 Division of the District Court for the Eastern District of California for service by the U.S.
2 Marshal. Additionally, defense counsel confirmed with the litigation coordinator for
3 California Prison Health Care Services, Allie Baker, that she was authorized to accept service
4 on behalf of Defendant Dr. Williams, and that she had recently accepted service of the
5 summons and complaint in the present action.

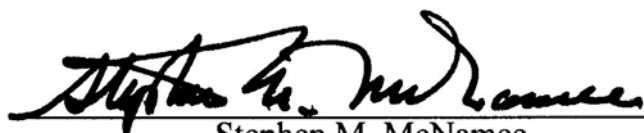
6 However, as to Defendant Cliforde, defense counsel has been unable to ascertain his
7 contact information. The litigation office at Pleasant Valley State Prison returned attempted
8 service by the U.S. Marshal as no one was employed there by that name. Furthermore,
9 exhaustive searches of the California Department of Corrections and Rehabilitation's
10 personnel database, the computer client database at the Office of the Attorney General, and
11 PACER database returned no matches for Defendant Cliforde other than the present action.
12 Despite defense counsel's good faith efforts, the location of Defendant Cliforde is still
13 unknown, and thus, he has not been served.

14 Accordingly,

15 **IT IS HEREBY ORDERED** that by November 30, 2009 Plaintiff shall show good
16 cause why this case should not be dismissed with respect to Defendant Cliforde who has not
17 yet been served in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall send copies of this Order
19 to all counsel of record.

20 DATED this 27th day of October, 2009.

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23 _____
24 Stephen M. McNamee
25 United States District Judge
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