

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CHARLES AUSTIN PARKS,
CDCR #K-72151,

Plaintiff,

v.

R. TAIT, et al.,

Defendants.

Case No. 08-CV-1031-H (JMA)

**ORDER GRANTING PLAINTIFF'S
MOTION TO DIRECT UNITED STATES
MARSHAL TO RE-ATTEMPT
SERVICE ON DEFENDANT LVN
MORENO**

[Doc. 25]

On August 14, 2009, Plaintiff Charles Austin Parks filed a motion requesting that the Court direct the United States Marshal to re-attempt service upon Defendant LVN Moreno [Doc. 25]. Plaintiff requests that the California Department of Corrections and Rehabilitation ("CDCR") be required to provide the Marshal with information concerning Moreno's last known address. On August 24, 2009, the Deputy Attorney General assigned to this case filed a statement of non-opposition to Plaintiff's motion on behalf of the defendants who have already appeared in this action [Doc. 26].

The Court accordingly **GRANTS** Plaintiff's motion and **ORDERS** the Deputy Attorney General assigned to this case to obtain Moreno's last known address from the CDCR and provide this information to the U.S. Marshal in a *confidential memorandum*

1 indicating that the summons and complaint is to be delivered to the address specified
2 therein. The Deputy Attorney General shall provide the U.S. Marshal with any such
3 information on or before **September 4, 2009**.


4 Within fourteen (14) days of receipt of any available address from the Deputy
5 Attorney General, the Court **ORDERS** the U.S. Marshal to serve a copy of Plaintiff's
6 First Amended Complaint and summons upon Defendant Moreno. All costs of service
7 shall be advanced by the United States pursuant to the Court's April 7, 2009 Order
8 directing service pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3) [Doc. 16].

9 **IT IS FURTHER ORDERED** that the Clerk of the Court provide a copy of: (1) the
10 Court's April 17, 2009 Service Order [Doc. 16]; (2) this Order; (3) the First Amended
11 Complaint, summons and a blank U.S. Marshal Form 285 to the Deputy Attorney
12 General for the purpose of re-attempting service as to Defendant Moreno. However,
13 both the Deputy Attorney General and the Office of the U.S. Marshal are **ORDERED** to
14 keep the address provided for Defendant Moreno strictly confidential. Thus, the
15 address **shall not** appear on any U.S. Marshal Form 285, **shall not** be provided to
16 Plaintiff, and **shall not** be made part of the Court's record.

17 Finally, if the Deputy Attorney General is not able to locate an address for
18 Defendant Moreno, she shall file a Declaration with the Court to that effect by no later
19 than **September 4, 2009**.

20 **IT IS SO ORDERED.**

21 DATED: August 24, 2009

22 
23 Jan M. Adler
24 U.S. Magistrate Judge
25
26
27
28