



1 Order to the Marshals, therefore, the Marshals did not file the requested status report.  
2 However, on September 21, 2009, the Marshals returned the summons for Defendant Saihca  
3 unexecuted.

4 On September 18, 2009, Plaintiff responded to this Court's order to show cause.  
5 Plaintiff stated that with respect to Defendant Stark, he was employed at Kern Valley State  
6 Prison in the fall of 2006. The Court will provide Plaintiff with two subpoenas decus tecum  
7 in blank to serve on the appropriate person at Kern Valley State Prison to attempt to obtain  
8 a last know address for Defendant Stark. If such an address is obtained, Plaintiff can again  
9 attempt service through the Marshals.

10 As for Defendant "Saihca," in Plaintiff's September 18, 2009 filing he states that the  
11 Court is spelling the Defendant's name incorrectly. Plaintiff then attempted to include the  
12 correct spelling. However, Plaintiff's handwriting is so bad, and he writes so lightly with the  
13 pen, the Court is finding his filings almost impossible to decipher. The Court has also  
14 reviewed the unexecuted summons from the Marshals (Doc. #26) and still is not confident  
15 of the exact name Plaintiff is using. At this point, the Court's best guess is "Sather."

16 The Court does not know who the Marshals attempted to serve. The notes on the  
17 service form state, "CDC locator - 0" "No such name/too many 9/15/09." Doc. #26. The  
18 Court will send Plaintiff an additional set of forms to attempt to re-serve the amended  
19 complaint on Defendant Sather. However, in completing these forms Plaintiff should print  
20 larger and press more firmly with his pen so that the Court can read what he is writing.  
21 Further, Plaintiff is cautioned that, in the event the Marshals in fact tried to serve "Sather,"  
22 there are apparently "too many" for them to know which one to serve. Therefore, Plaintiff  
23 should endeavor to include the first name of Sather or other identifying information to  
24 accomplish service.

25 Based on the foregoing,

26 **IT IS ORDERED** with respect to Defendant Stark,

27 (1) that the Clerk of the Court shall issue and send to Plaintiff two subpoenas in blank  
28 and two USM-285 forms for Plaintiff to complete with each subpoena. Plaintiff shall

1 complete the USM-285 forms and subpoenas decus tecum requesting documents that would  
2 contain an address for Defendant Stark and return them to the Clerk of the Court. Plaintiff  
3 shall have until October 19, 2009 to return these completed subpoenas and forms to the  
4 Court. Upon receipt of the completed subpoenas and USM-285 forms, the Clerk of the Court  
5 shall forward the completed subpoenas and forms to the Marshals for service.

6 (2) that Plaintiff shall complete the subpoenas such that the documents requested are  
7 returned to the Court and not to the Plaintiff. Upon receipt of the documents, the Clerk of  
8 the Court shall file the documents containing Defendant Stark's address under seal. Upon  
9 receipt of the documents, the Clerk of the Court shall forward the address of Defendant Stark  
10 and a copy of this order and a copy of the amended complaint (Doc. #30) to the Marshals and  
11 the Marshals shall again attempt to serve the summons and amended complaint.

12 (3) that if Plaintiff does not accomplish service of Defendant Stark through this  
13 additional process, the Court will dismiss Defendant Stark without prejudice.

14 **IT IS FURTHER ORDERED** with respect to Defendant Sather,

15 (1) that based on the amended complaint (Doc. #30), the Clerk of the Court shall  
16 amend the docket to change the name of Defendant "Saihca" to Defendant "Sather."

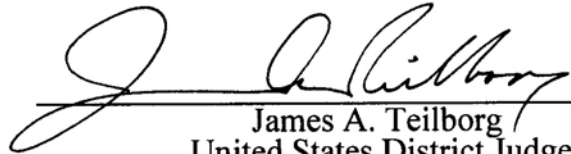
17 (2) With this Order, the Clerk of the Court shall send Plaintiff another service packet  
18 to serve Defendant Sather, including the amended complaint (Doc. #30), this Order, the  
19 Order of May 8, 2009 (Doc. #9), a Notice of Submission of Documents form, an instruction  
20 sheet, and a copy of a summons and USM-285-form for Defendant Sather.

21 (3) Plaintiff should not attempt to personally serve Sather and must not request a  
22 waiver of service; once the Clerk has received the Notice of Submission of Documents and  
23 the required documents, the Court will direct the Marshals to attempt service by waiver or  
24 personal service. If Plaintiff fails to return a new service packet by October 19, 2009,  
25 Defendant Sather will be dismissed, without prejudice, for failure to prosecute and failure  
26 to timely serve under Federal Rules of Civil Procedure 41(b) and 4(m).

27 **IT IS FINALLY ORDERED** that Plaintiff's request that this Court send him a copy  
28 of the jury instructions it will use in this case (and in another case Plaintiff claims to have

1 pending that is not assigned to this Court) (Doc. #21) is denied; the Court will not do any  
2 legal research for Plaintiff.

3 DATED this 28<sup>th</sup> day of September, 2009.

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7 James A. Teilborg  
8 United States District Judge  
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