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

RICHARD ALAN LAWSON,

Plaintiff,

vs.

DONALD YOUNGBLOOD, et al.,

Defendants.

CASE No. 1:09-cv-00992-LJO-MJS (PC)

ORDER GRANTING MOTION FOR
CLARIFICATION

(ECF No. 49)

ORDER STRIKING CORRECTION OF
ADDRESS AND REQUIRING
PLAINTIFF TO USE HIS ADDRESS OF
INCARCERATION

(ECF No. 50)

I. PROCEDURAL HISTORY

Plaintiff Richard Alan Lawson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed on June 8, 2009 pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.) Plaintiff consented to Magistrate Judge jurisdiction. (Consent to Jurisdiction, ECF No. 5.) Defendants Embrey, Laird and Sawaske declined Magistrate Judge jurisdiction. (Decline of Jurisdiction, ECF No. 32.)

1 This matter proceeds on Plaintiff's Second Amended Complaint for inadequate
2 medical care under the Eighth Amendment against Defendants Laird, Chang,
3 Sawaske, Embrey, and Clemente, and for excessive force under the Eighth
4 Amendment against Defendant Laird. (Order on Cognizable Claims, ECF No. 22.)
5 Defendants Laird, Sawaske and Embrey filed an Answer on August 1, 2012. (Answer,
6 ECF No. 29).

7 On September 17, 2012, the United States Marshal returned the summons and
8 USM-285 forms for Defendants Clemente and Chang, unexecuted. (Summons
9 Return, ECF Nos. 38 & 42.) The Marshal attempted to secure a waiver of service and
10 then attempted personal service, but was unsuccessful.

11 On October 22, 2012, Plaintiff filed a Motion for Clarification regarding
12 Defendants served and represented. (Mot. Clarification., ECF No. 49.)

13 On October 22, 2012, Plaintiff filed a Correction of Current Address. (Correction
14 of Address, ECF No. 50)

15 The Motion for Clarification and the Correction of Address are now before the
16 Court.

17 **II. ANALYSIS**

18 **A. Clarification of Defendants Served and Represented**

19 Plaintiff seeks instruction as to unserved Defendants Clemente and Chang or
20 alternatively an order that Kern County Counsel respond to this motion.

21 Subject to certain requirements set forth herein, Plaintiff is entitled to service of
22 subpoena by the United States Marshal. 28 U.S.C. 1915(d). The Court and the
23 Marshal have a statutory duty to serve process on Plaintiff's behalf. The response
24 given to the Marshal to date by the Kern County Sheriff's Office is insufficient to allow
25 the Court to discharge this duty on the ground that Defendants Clemente and Chang
26 cannot be located. 28 U.S.C. 1915(d); Fed. R. Civ. P. 4(c)(3). The Court shall direct
27

1 the Marshal to re-attempt service on Defendants Clemente and Chang by contacting
2 Kern County Personnel Division and Kern County Sheriff's Office Human Resources
3 Department requesting assistance in attempting to execute service.

4 The foregoing is clarification of the status of service and constitutes a grant of
5 Plaintiff's Motion for Clarification (ECF No. 49).

6 **B. Correction of Address**

7 A party acting in pro se is required to provide the Court with his or her current
8 address. Local Rule 183(b). A non-attorney may not represent or appear for a pro se
9 party. Local Rule 183(a). The address of a non-attorney assisting a pro se party may
10 not be used where it is not the pro se party's current address.

11 Plaintiff is presently incarcerated at the California Medical Facility in Vacaville,
12 CA. He seeks to change his address to that of his non-attorney legal advisor in
13 Stevenson Ranch, CA. This is not permissible.

14 Accordingly, Plaintiff's Correction of Address (ECF No. 50) shall be stricken,
15 and the Court Clerk shall be instructed to show Plaintiff's current address as his place
16 of incarceration at Vacaville, CA.

17 **III. ORDER**

18 Accordingly, it is HEREBY ORDERED that:

- 19 1. Plaintiff's Motion for Clarification is GRANTED insofar as the Court shall
20 direct the Marshal to re-attempt service on Defendants Clemente and
21 Chang by contacting Kern County Personnel Division and Kern County
22 Sheriff's Office Human Resources Department requesting assistance in
23 attempting to execute service.
- 24 2. Plaintiff's Correction of Current Address (ECF No. 50) is stricken and the
25 Court Clerk directed to show Plaintiff's current address as:

26 Richard Alan Lawson
27 #D30022

1 California Medical Facility
2 P.O. Box 2500
3 Vacaville, CA 95696-2500.

3 3. The Clerk shall serve this order on Plaintiff at the following addresses:

4 Richard Lawson
5 26627 Shakespeare Lane
6 Stevenson Ranch, CA 91381

Richard Lawson
CDC# D30022
California Medical Facility
P.O. Box 2500
Vacaville, CA 95696-2500

8 IT IS SO ORDERED.

9 Dated: October 25, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE