

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK AGNES, Plaintiff,
v.
NURSE JOSEPH, et al., Defendants. CASE NO. 1:10-cv-00807-AWI-GBC (PC)
ORDER REQUIRING PLAINTIFF TO FURNISH FURTHER INFORMATION FOR INITIATION OF SERVICE OF PROCESS (ECF No. 17)

ORDER

Plaintiff Mark Agnes (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s original Complaint, filed May 10, 2010, against Defendants Dixon and Joseph deliberate indifference to medical needs in violation of the Eighth Amendment. (ECF Nos. 1 & 11.) Because Plaintiff is proceeding in forma pauperis, the Court must appoint the United States Marshal to serve each defendant with a summons and complaint. Fed. R. Civ. Pro. 4(c)(2). However, the Marshal cannot locate and serve unidentified defendants.

On July 7, 2011, the United States Marshal returned the summons and USM-285 form for Defendant Dixon unexecuted. (ECF No. 17.) The Marshal attempted to secure a waiver of service, but was unsuccessful. The Marshal contacted the Litigation Coordinator at Wasco State Prison who asserted that Dixon is not employed there. The Marshal then checked the California Department of Corrections and Rehabilitation (CDCR) Locator and was unable to locate Dixon in the database.

1 Within thirty days from the date of service of this Order, Plaintiff shall provide the
2 Court with further information to assist the Marshal in serving Defendant Dixon. If Plaintiff
3 can remember any details that might assist the Court and the Marshal, Plaintiff shall so
4 inform the Court. For example, what title and/or rank was Defendant? What area of the
5 prison did Defendant work on the date(s) in question? What hours did Defendant work on
6 the date(s) in question? Can Plaintiff recall any physical attributes of Defendant, such as
7 age, gender, hair color, eye color, height, weight, and the like? Does Plaintiff remember
8 anything that might differentiate Defendant from other officers who bear that same name?

9 Based on the foregoing, it is HEREBY ORDERED that within thirty (30) days from
10 the date of service of this Order, Plaintiff shall provide the Court with any and all
11 information he has that might help the Marshal identify and serve Defendant Dixon.

12 IT IS SO ORDERED.

13 Dated: August 31, 2011

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UNITED STATES MAGISTRATE JUDGE

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