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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA

5 ROBERT MCDANIEL,
6
7 Plaintiff,
8 v.
9 FRANK X. CHAVEZ, et al.,
10 Defendants.

1:10-cv-01077-LJO-EPG (PC)

REQUEST FOR OFFICE OF THE
ATTORNEY GENERAL TO PROVIDE
LAST KNOWN ADDRESS FOR
DEFENDANTS FRANK X. CHAVEZ
AND T.N. DAVIS

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13 Robert McDaniel ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma*
14 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On August 11, 2016,
15 Plaintiff filed the Fourth Amended Complaint. (ECF No. 39). The Court screened Plaintiff's
16 Fourth Amended Complaint pursuant to 28 U.S.C. § 1915A. (ECF No. 40). The Court
17 recommended that the case proceed against defendants Davis, Chavez, and Loyd for violation
18 of due process, and that all other claims and defendants be dismissed. (*Id.*). District Judge
19 Lawrence J. O'Niell adopted the Court's findings and recommendations in full. (ECF No. 41).
20 After the service documents were sent to Plaintiff (ECF No. 42) and returned (ECF No. 48), the
21 Court ordered the United States Marshal Service ("the Marshal") to serve the defendants (ECF
22 No. 49).

23 The U.S. Marshal attempted to serve defendants Frank X. Chavez and T. N. Davis, but
24 the summonses were returned unexecuted. (ECF Nos. 51 & 52). According to the Marshal, the
25 California Department of Corrections and Rehabilitation ("CDCR") informed the Marshal that
26 defendants Frank X. Chavez and T. N. Davis retired. The CDCR did not provide any further
27 information or known address. (*Id.*).

28 In the interest of preserving resources and maximizing efficiency, and to avoid a formal

1 discovery request, the Court will first request that the Office of the Attorney General provide
2 contact information for defendants Frank X. Chavez and T.N. Davis so that service can be
3 effected.

4 In the event that the Office of the Attorney General chooses not to provide such
5 information, the Court may allow Plaintiff to conduct early discovery so that he can request all
6 documents regarding defendants Frank X. Chavez's and T.N. Davis's contact information,
7 which could include correspondence the CDCR has had with defendants Frank X. Chavez and
8 T.N. Davis since their retirement, last known addresses, contact information the CDCR has for
9 tax and pension purposes, and telephone numbers (the Court recognizes that such documents
10 may pose privacy issues, which would necessitate *in camera* review or sealing of documents).

11 Therefore, the Court requests that the Office of the Attorney General respond with any
12 information that it has regarding defendants Frank X. Chavez's and T.N. Davis's current
13 whereabouts.¹ If the Office of the Attorney General has concerns about providing defendants
14 Frank X. Chavez's and T.N. Davis's personal information to Plaintiff, it may submit the
15 information under seal so that the Court can arrange for service.

16 Accordingly, based on the foregoing, the Court requests that, within twenty-one (21)
17 days from the date of service of this order, the Office of the Attorney General provide Plaintiff
18 and the Court with any contact information it or the CDCR has access to for defendants Frank
19 X. Chavez and T.N. Davis, or a statement that it chooses not to provide such information.²

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26 ¹ No sanctions will result from a failure to abide by this informal request, but note that the Court
27 may open document discovery regarding all documents that could concern Defendants' addresses for the limited
purpose of allowing Plaintiff to request a third party subpoena.

28 ² If the Office of the Attorney General has concerns about providing defendants Frank X.
Chavez's and T.N. Davis's personal information to Plaintiff, it may submit the information *in camera* or under
seal such that the Court can issue relevant summonses.

