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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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| STEVEN A. MARTIN, |) | Case No.: 1:10-cv-1153- AWI - JLT (PC) |
| Plaintiff, |) | |
| v. |) | ORDER DIRECTING THE LEGAL AFFAIRS |
| DERRAL G. ADAMS, et. al, |) | DIVISION OF THE CALIFORNIA DEPARTMENT |
| Defendants. |) | OF CORRECTIONS TO ASSIST PLAINTIFF IN |
| |) | OBTAINING INFORMATION REGARDING |
| |) | DEFENDANT J. NORA (AKA J. MORA) |
| |) | (Doc. 27) |

Plaintiff Steven A. Martin (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On June 11, 2012, the Court directed the United States Marshall Service to serve the first amended complaint on Defendant J. Nora (aka J. Mora)(“Defendant”), the sole remaining defendant in this matter. (Doc. 17). The summons was returned unexecuted on January 9, 2013. (Doc. 21). On January 10, 2013, the Court ordered Plaintiff to provide the Court with additional information to effectuate service of process on Defendant. (Doc. 22). On both January 28, 2013, and March 25, 2013, the Court ordered Plaintiff to show cause why this matter should not be dismissed for Plaintiff’s failure to comply with its Order, dated January 10, 2013. (Docs. 23, 26).

In response, on April 10, 2013, Plaintiff filed a motion entitled, “Notice of Motion and Motion for Magistrate Judge to Dismiss This Complaint Without Prejudice [sic].” (Doc. 27). As the basis of this Motion, Plaintiff avers that he submitted a CDCR Form 22, “requesting an interview for the

1 purpose of ascertaining the name of [the defendant].” Id. at 2. Plaintiff indicates that prison officials
2 have failed to respond to this request. Id. Despite his demonstrated efforts, Plaintiff contends that
3 prison officials have blocked his efforts to comply with the Court’s orders (Docs. 22, 23, 26). (Doc. 27
4 at 1-3). Plaintiff seeks to voluntarily dismiss his complaint without prejudice in order to file a
5 “Petition for Writ of Habeas Corpus” in order to obtain the information the Court has requested of
6 him. Id. at 3.

7 Given the basis of Plaintiff’s motion, the Court defers its ruling on Plaintiff’s voluntary motion
8 to dismiss (Doc. 27) at this time. Rather, the Legal Affairs Division of the California Department of
9 Corrections and Rehabilitation is REQUESTED to assist Plaintiff in obtaining the information
10 requested in his previously submitted CDCR Form 22. In particular, Plaintiff seeks a copy of the
11 “property form” which identifies the name of the officer who packed Plaintiff’s property when he was
12 transferred from CSP Corcoran to CSP Centinela.

13 **ORDER**

14 Accordingly, the Court **HEREBY ORDERS** as follows:

15 1. Plaintiff is **GRANTED 45 days** from the date of service of this Order to
16 provide the Court with additional information to effectuate service of process on Defendant J. Nora
17 (aka J. Mora);

18 2. **Within 30 days**, the Legal Affairs Division of the California Department of
19 Corrections and Rehabilitation is requested to assist Plaintiff in obtaining the information requested in
20 his previously submitted CDCR Form 22; in particular, a copy of the “property form” which identifies
21 the name of the officer who packed Plaintiff’s property when he was transferred from CSP Corcoran
22 to CSP Centinela. If no such document exists, the Legal Affairs Division is requested to provide the
23 Court with a sworn statement indicating that it has complied with this Order and no such information
24 could be found;

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