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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS, IV,

 Plaintiff,

 v.

A.C. QUINONES, et al.,

 Defendants.

Case No. 1:10-cv-02349-AWI-JLT (PC)

**ORDER DENYING PLAINTIFF'S MOTION TO
COMPEL DEFENDANTS TO PROVIDE
LOCATION TO U.S. MARSHALLS OF T.L.
WILLIAMS**

(Doc. 45)

Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 13, 2010. (Doc. 1.) In his initiating pleading, Plaintiff named T.J. Williams as a defendant in this action. (*Id.*, at p. 1.) Subsequent to dismissal screening and leave to file an amended complaint (Doc. 7), Plaintiff filed the First Amended Complaint ("1st AC") (Doc. 11). The First Amended Complaint also named T.J. Williams as a defendant in this action. (*Id.*, at p. 1.) The First Amended Complaint was screened, found to state cognizable claims against Defendant T.J. Williams and seven others. (Doc. 17.) That same order directed Plaintiff to submit documents for service, with which he complied. (Docs. 17, 18.) On January 31, 2013, an order issued directing the U.S. Marshall to serve eight named Defendants, including T.J. Williams. (Doc. 19.) All of the Defendants, except T.J. Williams have answered. (Doc. 33.) On December 30, 2013, the summons as to T.J. Williams was returned unexecuted. (Doc. 47.) A few days prior, on December 19, 2013, Plaintiff filed a motion "For an Order

1 Compelling Defendants to Provide the U.S. Marshals Service with the Location of Defendant
2 T.L. Williams." (Doc. 45.) Defendants have not yet filed an opposition.¹

3 First and of utmost importance, there is no defendant in this action by the name of "T.L.
4 Williams;" rather T.J. Williams is named and it is upon T.J. Williams that service has been
5 ordered. Plaintiff's motion is properly denied as there is no basis upon which to compel the other
6 Defendants in this action to provide the U.S. Marshals Service with the location for service of
7 process upon a non-defendant.

8 If Plaintiff has discovered that the middle initial for Defendant Williams is "L," rather
9 than "J" and desires to correct this error, he must move to correct that mistake under Federal Rule
10 of Civil Procedure 15(c)(3) and must show good cause to modify the scheduling order for leave to
11 amend his pleading—for which the deadline lapsed on August 30, 2013. (See Doc. 34.)

12 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Defendants to
13 provide the U.S. Marshalls Service with the Location of Defendant T.L. Williams, filed
14 December 19, 2013 (Doc. 45), is **DENIED**.

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16 IT IS SO ORDERED.

17 Dated: January 23, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ While Defendants have not yet responded to this motion, they will not be prejudiced by its denial and will have opportunity to respond if Plaintiff seeks to change the name (i.e. middle initial) of Williams.