

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

RASHAD KING,  
Plaintiff,  
v.  
S. HOLLAND, et al.,  
Defendants.

Case No. 1:15-cv-01885-BAM (PC)  
**ORDER DISCHARGING ORDER TO SHOW  
CAUSE WHY DEFENDANT SOLIS SHOULD  
NOT BE DISMISSED FROM THIS ACTION  
FOR FAILURE TO PROVIDE SUFFICIENT  
INFORMATION TO EFFECTUATE SERVICE**  
(ECF No. 22)

Plaintiff Rashad King (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s complaint, filed on December 18, 2015, for violations of the Eighth Amendment against Defendants Holland and Duncan for excessive force during the first escort; against Defendants, Holland, Duncan and Solis for excessive force in the second cell; against Defendant Tingley for failing to intervene in the attack by Defendants Holland, Solis and Duncan in the second cell; and an Eighth Amendment sexual assault against Defendant Holland.

On December 22, 2016, the Court ordered the United States Marshal to initiate service of process in this action upon Defendants Holland, Duncan, Solis and Tingley. (ECF No. 18.) However, the Marshal was unable to locate Defendant Solis and service was returned unexecuted

1 for this defendant on January 26, 2017. (ECF No. 21.)

2 On January 27, 2017, the Court issued an order for Plaintiff to show cause why Defendant  
3 Solis should not be dismissed from this action under Federal Rule of Civil Procedure 4(m) for  
4 failure effectuate service. (ECF No. 22.) On February 27, 2017, Plaintiff filed a response to the  
5 show cause order. Plaintiff requests that Defendant Solis not be dismissed from this action,  
6 contending that he provided sufficient information for service and that he was unaware of the  
7 termination of Defendant Solis. Plaintiff believes that CDCR or CCI State Prison has information  
8 of the last known address or contact information for Defendant Solis. (ECF No. 23.)

9 In light of Plaintiff's response, the order to show cause is HEREBY DISCHARGED. By  
10 separate order, the Court will issue a second order directing the United States Marshals Service to  
11 attempt re-service of Defendant Solis and demonstrate that all available avenues were exhausted  
12 in attempting to serve Defendant Solis.

13  
14 IT IS SO ORDERED.

15 Dated: March 5, 2017

/s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28