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If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

In cases involving a plaintiff proceeding in forma pauperis, the Marshal, upon order of the court, shall serve the summons and the complaint. Fed. R. Civ. P. 4(c)(3). A pro se litigant proceeding in forma pauperis is entitled to rely on the U.S. Marshal for service of the summons and complaint. *See, e.g., Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990). Accordingly, delays or failures to effectuate service attributable to the Marshal are “automatically good cause within the meaning of Rule 4[m].” *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994), *abrogated on other grounds by Sandin v. Connor*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995) (citation omitted). However, where a pro se plaintiff fails to provide the Marshal with accurate and sufficient information to effect service of the summons and complaint, the Court’s sua sponte dismissal of the unserved defendant is appropriate. *Walker*, 14 F.3d at 1421-22.

Here, the U.S. Marshal attempted to serve Defendants Rocha, Jones and Mrs. K with the information provided by Plaintiff. However, the Marshal was informed that service could not be accepted for Defendants Rocha, Jones and Mrs. K because Plaintiff needed to be “more specific” and could re-attempt service once he “finds out who they are.” (ECF No. 19, pp. 1-3). Plaintiff therefore has failed to provide accurate and sufficient information to identify Defendants Rocha, Jones and Mrs. K for service of process. If Plaintiff is unable to provide the Marshal with the necessary information to identify Defendants Rocha, Jones and Mrs. K with greater specificity, then these defendants shall be dismissed from this action, without prejudice. Under Rule 4(m), the court will provide Plaintiff with the opportunity to show cause why Defendants Rocha, Jones and Mrs. K should not be dismissed from the action at this time.

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III. Conclusion and Order

Based on the foregoing, it is HEREBY ORDERED that:

1. Within thirty (30) days from the date of service of this order, Plaintiff shall show cause why Defendants Rocha, Jones and Mrs. K should not be dismissed from this action. Plaintiff may comply with this order by providing accurate and sufficient information for the Marshal to identify Defendants Rocha, Jones and Mrs. K for service of process; and

2. The failure to respond to this order will result in the dismissal of Defendants Rocha, Jones and Mrs. K from this action.

IT IS SO ORDERED.

Dated: January 26, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE