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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 JONATHAN L. DELL,  
11 Plaintiff,

12 v.

13 R. ESPINOZA et al.,  
14 Defendants.  
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**CASE No. 1:16-cv-1769-MJS (PC)**

**ORDER DIRECTING PLAINTIFF TO  
SUBMIT FURTHER RESPONSE**

**FOURTEEN DAY DEADLINE**

16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights  
17 action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of a  
18 magistrate judge. This action proceeds on Plaintiff's Eighth Amendment excessive force  
19 Complaint against Corcoran State Prison ("CSP") Correctional Officers ("CO") Espinoza  
20 and Roque, a failure to protect claim against Sergeant James, and a deliberate  
21 indifference claim against Dr. Barnett and Lt. Martinez. (ECF Nos. 1, 9.) The incidents  
22 underlying this action occurred at CSP in August 2014.

23 Defendants Barnett, James, Martinez, and Roque have been served, and they  
24 filed an answer on June 9, 2017. (ECF No. 20.) CO Espinoza, however, has not yet  
25 been served. His summons was returned unexecuted on the ground that this Defendant  
26 was not employed at CSP in August 2014. (ECF No. 16.) Per the unexecuted summons,  
27 CO Espinoza was "[t]erminated in 2005."  
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1 Accordingly, on May 17, 2017, the undersigned directed Plaintiff to provide correct  
2 information about CO Espinoza for service of process. (ECF No. 18.) Plaintiff has now  
3 filed a motion to compel the California Department of Corrections and Rehabilitation to  
4 provide this Defendant's last known address. (ECF No. 19.) Plaintiff does not address  
5 the note in the unexecuted summons that CO Espinoza was terminated from CSP in  
6 2005, approximately 9 years before the incident at issue in this case.

7 In order to facilitate the identification of the correct Defendant for service of  
8 process, IT IS HEREBY ORDERED that within fourteen days from the date of this Order,  
9 Plaintiff shall identify his basis, if any, for disbelieving the representation that CO  
10 Espinoza was not employed by CSP in August 2014. If, as it appears, Plaintiff has  
11 misidentified the individual involved in his claim, he shall promptly identify the correct  
12 correctional officer.

13  
14 IT IS SO ORDERED.

15 Dated: June 14, 2017

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE