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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JONATHAN L. DELL,  
Plaintiff,  
v.  
R. ESPINOZA et al.,  
Defendants.

**CASE No. 1:16-cv-1769-DAD-MJS (PC)**  
**ORDER DENYING AS MOOT**  
**PLAINTIFF'S MOTION TO COMPEL**  
**(ECF NO. 19)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Corcoran State Prison (“CSP”) Correctional Officers (“CO”) Espinoza and Roque, Sergeant James, Lt. Martinez, and Dr. Barnett.

Defendants Barnett, James, Martinez, and Roque have been served, and they filed an answer on June 9, 2017. (ECF No. 20.) CO Espinoza, however, has not yet been served. It appears service was declined on the ground that CO Espinoza separated from the California Department of Corrections and Rehabilitation (“CDCR”) in 2005, 9 years before the incident at issue in this case. (ECF No. 16.)

On May 17, 2017, the undersigned directed Plaintiff to provide correct information about CO Espinoza for service of process. (ECF No. 18.) Plaintiff then filed a motion to compel the CDCR to provide this Defendant’s last known address. (ECF No. 19.) Before ruling on that motion, the undersigned directed Plaintiff to respond to the assertion that

1 CO Espinoza was terminated in 2005 and thus could not have been involved in the  
2 incident giving rise to this case.. (ECF No. 24.)

3 In light of the Court's last order, Defendants filed a response revealing that the  
4 CSP Litigation Coordinator's refusal to accept service for CO Espinoza was based on a  
5 mistake. (ECF No. 27.) While service was declined on the ground that CO Espinoza  
6 separated from CDCR in 2005, the Defendant had in fact separated in 2015. CO  
7 Espinoza's last known address has now been provided to the U.S. Marshal and service  
8 is presently being attempted.

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to compel (ECF No.  
10 19) is DENIED as moot.

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12 IT IS SO ORDERED.

13 Dated: July 6, 2017

*/s/ Michael J. Seng*  
14 UNITED STATES MAGISTRATE JUDGE

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