

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 MONICO J. QUIROGA, III,

5 Plaintiff,

6 v.

7 C. COOPER, J. MORENO, et al.,

8 Defendants.

Case No. 1:17-cv-00004-DAD-EPG (PC)

REQUEST FOR THE KERN COUNTY
COUNSEL TO PROVIDE SERVICE
ADDRESS FOR DEFENDANT C.
COOPER AND J. MORENO

RESPONSE REQUESTED WITHIN 14
DAYS

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10 Monico J. Quiroga, III (“Plaintiff”) is a prisoner¹ proceeding *pro se* and *in forma*
11 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is currently
12 proceeding on Plaintiff’s claim for excessive use of force brought under the Fourteenth
13 Amendment against defendants C. Cooper and J. Moreno. (Doc. No. 19.)

14 On July 26, 2017, the Court issued an Order directing the U.S. Marshal to execute
15 service of process upon defendants Cooper and Moreno. (Doc. No. 22.) On November 27,
16 2017, the summons for defendants Cooper and Moreno was returned unexecuted. (Doc. No.
17 30.) It was noted that the Kern County Sheriff’s Office refused acceptance of the summons
18 because the defendants were no longer employees. (*Id.*)

19 Given this information, in the interest of preserving resources and maximizing
20 efficiency, and to avoid a formal discovery request, the Court will first request that County
21 Counsel for Kern County, California provide an address for service for defendants C. Cooper
22 and J. Moreno.

23 In the event that County Counsel does not provide sufficient information, the Court may
24 allow Plaintiff to request the issuance of a subpoena *duces tecum* so that he can request all
25 documents regarding defendants’ contact information (the Court recognizes that such discovery
26 may pose privacy issues, which would necessitate *in camera* review or sealing of documents).

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28 ¹ Plaintiff was a pretrial detainee at time of the incident giving rise to the Complaint. He is presently a
state prisoner at High Desert State Prison in Susanville, California.

1 Therefore, the Court REQUESTS that, within fourteen (14) days from the date of
2 service of this order, the County Counsel respond with the address for service for defendants C.
3 Cooper and J. Moreno (the Court does not have information regarding these defendants' current
4 employment. Defendant C. Cooper was a deputy and defendant J. Moreno was a guard at Kern
5 County Sheriff's Office at the time of the incident alleged in the complaint, which occurred on
6 September 25, 2015).²

7 Alternatively, County Counsel may file a statement that it chooses not to provide such
8 information.³

9 Additionally, IT IS HEREBY ORDERED that the Clerk of Court is directed to serve
10 Kern County Counsel (County Administration Building, 1115 Truxtun Avenue, 4th Floor,
11 Bakersfield, California 93301) with a copy of this order.

12 IT IS SO ORDERED.

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14 Dated: December 26, 2017

15 /s/ Eric P. Gray
16 UNITED STATES MAGISTRATE JUDGE
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27 ² If County Counsel has concerns about providing an address (or addresses) for the defendants, it may
28 submit that information *in camera* such that the Court can issue relevant summonses.

³ No sanctions will result from a failure to abide by this informal request, but note that the Court may
allow document discovery as discussed above.