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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JACK JOHNSON III,  
  
Plaintiff,  
  
v.  
  
PTS OF AMERICA, et al.,  
  
Defendants.

**Case No. 1:18-cv-0434-NONE-JLT (PC)**  
  
**ORDER TO SUBMIT INFORMATION TO  
EFFECTUATE SERVICE**  
  
**FORTY-FIVE-DAY DEADLINE**

This action proceeds on a Fourteenth Amendment conditions of confinement claim against Prisoner Transportation Services of America (“PTS of America”) and PTS of America employee Melvin Moore; a Fourteenth Amendment medical indifference claim against Moore, another PTS of America employee, Elinore Sawyer, and John Doe, a sergeant with the Fresno County Sheriff’s Office; and state law negligence and intentional infliction of emotional distress claims against PTS of America and Moore.

Defendant PTS of America was served and filed an answer on August 5, 2020. Service on Moore and Sawyer, however, could not be effectuated by the United States Marshal because the entity to which service was directed—“Davidson Corp Service Inc” in Nashville, TN, which Plaintiff contends is the registered agent to receive service for PTS of America—has refused without explanation to accept service for them. See Doc. 24. In addition, Plaintiff has yet to identify John Doe. Thus, the only defendant was been served and appeared in this action is PTS

1 of America.

2 Plaintiff will be directed to provide the Court with further information to assist the United  
3 States Marshal in serving Defendants Moore and Sawyer and to identify the Doe Defendant.  
4 Since a Discovery and Scheduling Order has been issued in this case, Plaintiff may employ the  
5 traditional tools of discovery to locate this information. If Plaintiff is independently unable to  
6 identify information necessary to effectuate service, he may submit a motion for a subpoena  
7 pursuant to Federal Rule of Civil Procedure 45 directed to the appropriate persons or entities.

8 Based on the foregoing, the Court **ORDERS** Plaintiff to submit, within forty-five days  
9 from the date of this Order, information necessary to effectuate service on Moore and Sawyer and  
10 information to identify John Doe. If Plaintiff is unable to comply with this directive, the Court  
11 may issue findings and recommendations to dismiss these defendants pursuant to Federal Rule of  
12 Civil Procedure 4(m).

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14 IT IS SO ORDERED.

15 Dated: September 14, 2020

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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