

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LIONELL THOLMER,

No. CIV S-04-1368 GEB CMK P

Plaintiff,

vs.

ORDER

CHERYL K. PLILER, et al.,

Defendants

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Plaintiff's motion for judicial intervention to obtain a defendant's address (Doc. 120).

Plaintiff was previously ordered to provide adequate service information for defendant S. Stiles, as the previous service documents were returned unexecuted. Plaintiff was ordered to utilize what ever means he has to obtain such information, and provide that information to the court in order to serve defendant S. Stiles. Plaintiff now indicates in his motion that he has attempted to locate S. Stiles, but has thus far been unsuccessful, and is requesting the court's assistance. Plaintiff indicates he attempted to discover the defendant's location through a request sent to the California State Personnel Board, but was unsuccessful in obtaining the necessary

1 information.

2 The court previously advised Plaintiff that he may attempt to obtain such
3 information through discovery as well as the California Public Records Act. It appears Plaintiff's
4 attempt at utilizing the California Public Records Act was unsuccessful. However, it does not
5 appear that Plaintiff attempted to obtain the necessary information through discovery. The court
6 notes that discovery is now closed. However, the court will allow Plaintiff to utilize limited
7 additional discovery in an attempt to obtain service information on defendant S. Stiles. Plaintiff
8 will be allowed to serve on the defendants no more than five (5) interrogatories in an attempt to
9 discover defendant S. Stiles location, and/or whether S. Stiles is still working for the California
10 Department of Corrections and Rehabilitation (CDCR). In the alternative, Defendants and/or
11 defense counsel may simply file and serve Plaintiff with a statement as to whether the location of
12 S. Stiles is within their knowledge and/or whether service information on S. Stiles, including
13 whether S. Stiles is still employed by CDCR and if so where S. Stiles is currently stationed, if it is
14 within their ability to obtain.

15 Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for court
16 assistance in obtaining the service information for S. Stiles (Doc. 120) is granted to the extent that
17 the court authorizes Plaintiff to serve on the defendants, within the next 30 days, no more than a
18 total of five (5) interrogatories in an attempt to discover service information for S. Stiles.

19

20 DATED: March 31, 2010

21

22

23

24

25

26



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE