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

AARON L. COOPER,

Plaintiff,

No. CIV S-05-1043 GEB JFM P

vs.

SGT. T.H. CAMPBELL, et al.,

ORDER

Defendants.

_____ /

Plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. By order filed September 13, 2005 the court determined that plaintiff's complaint states a cognizable claim for relief against defendants Sgt. T.H. Campbell, C/O J. DeLong, and C/O M. Armstrong and ordered plaintiff to provide documents for service of process. Plaintiff filed the required papers and the U.S. Marshal was directed to serve defendants by order filed October 24, 2005. Service on defendants Delong and Armstrong was returned executed and both have filed answers. Service on defendant Campbell has proven to be more problematic.

On February 22, 2007, defendants were directed to provide the U.S. Marshal service with specific information concerning the identity of defendant Sergeant T.H. Campbell sufficient to permit completion of service of process or show cause in writing why they could not comply with that order. (Id. at 2-3.) On March 21, 2007, defendants filed their response. (Docket No. 63.) Defendants provided a declaration by the litigation coordinator at High Desert

1 State Prison who stated defendant Campbell is no longer employed by CDC-R and confirmed
2 that he had

3 double checked with the personnel office to ensure that the
4 Montana address HDSP provided to the U.S. Marshal on August
5 10, 2006, [was] the last known address HDSP [had] for Sergeant
6 Campbell, and cross referenced the address with the badge number
7 . . . obtained from the November 22, 1999, incident report to
8 ensure the address was for the correct Campbell. [He] confirmed
9 that this address is the last known mailing address for the Sergeant
10 Campbell named in the lawsuit.”

11 (Id., Attachment A.) Defendant Delong submitted a declaration in which he states the last time
12 he saw Sgt. Campbell was in Susanville, he has not kept in contact with him, but recalled hearing
13 someone say Sgt. Campbell had moved out of state, perhaps to Colorado. (Id., Attachment B.)

14 Defendant Armstrong also provided a declaration stating he also has not kept in touch with
15 defendant Campbell, but heard Sgt. Campbell had moved to the “southwest of the United States.”
16 (Id., Attachment C.)

17 On May 9, 2007, plaintiff renewed his request to enter default against defendant
18 Campbell.

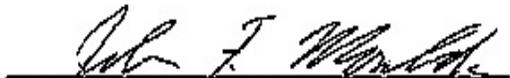
19 A review of this record reflects that defendants failed to provide the U.S. Marshal
20 with the badge number for the Sgt. T.H. Campbell named as a defendant herein so that the U.S.
21 Marshal could attempt to query CDC-R for a more current address. Their filing also does not
22 reflect that they provided defendant Campbell’s badge number to CDC-R in an attempt to
23 provide a more current address. Defendants’ filing makes clear that defendant Armstrong,
24 defendant Delong, High Desert State Prison, and the litigation coordinator at High Desert State
25 Prison are unaware of a more current address for defendant Campbell.¹ But the filing does not
26 make clear that the CDC-R or Deputy Attorney General Van Kamberian do not have a more

¹ Although the litigation coordinator stated he checked with the “personnel office,” it is not clear that he meant he checked with the CDC-R locator or with the larger CDC-R personnel department. Rather, when read in context with his entire sentence, it appears more likely he checked with personnel at High Desert State Prison.

1 current address.² The litigation coordinator stated in his declaration that he obtained defendant
2 Campbell's badge number from the November 22, 1999 incident report. In an effort to expedite
3 this matter, the court reviewed the documents provided by defendants in connection with their
4 motion for summary judgment filed August 18, 2006, in an effort to locate the badge number.
5 However, only incident reports completed by defendants Delong and Armstrong were provided.
6 (Id., Ex. B, Docket No. 48.)

7 Accordingly, IT IS HEREBY ORDERED that within ten days from the date of
8 this order, defendants shall provide the badge number and date of birth for defendant Sgt. T.H.
9 Campbell. Failure to timely comply with this order will result in recommendation of the
10 imposition of sanctions.

11 DATED: June 4, 2007.

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14 UNITED STATES MAGISTRATE JUDGE

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24 ² The USM-285 form completed by plaintiff on May 31, 2006, noted that Deputy
25 Attorney General Van Kamberian has the last known mailing address for Sgt. Campbell.
26 Defendants' March 21, 2007 filing was submitted by Deputy Attorney General Megan R.
O'Carroll. (Id.) Although Ms. O'Carroll stated that "defendants have provided all the
information they possess about Sergeant Campbell's identity and location" (id. at 3), it is not
clear that "defendants" includes counsel for defendants.