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

JAMES OLIVER,

Plaintiff,

No. CIV S-06-0390 MCE EFB P

vs.

THOMAS CAREY, et al.,

Defendants.

ORDER

_____/

Plaintiff is a prisoner proceeding *in forma pauperis* and without counsel in a civil rights action. See 42 U.S.C. § 1983.

The United States Marshal has returned process directed to defendant Mahmoud unserved because there is “no such name” in the “CDC locator.” To proceed against this defendant, plaintiff must provide new information about where this defendant may be served with process. Plaintiff may seek such information through discovery, the California Public Records Act, California Government Code §§ 6250, *et seq.*, or any other means available but must proceed with haste because Fed. R. Civ. P. 4(m) requires an action be dismissed as to a defendant not served within 120 days after filing the complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff’s access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention.

1 Accordingly, it is ORDERED that:

2 1. The Clerk of the Court shall mail plaintiff one form USM-285 and a copy of the
3 pleading filed December 20, 2006.

4 2. Within 60 days from the date this order is served, plaintiff may submit the attached
5 Notice of Submission of Documents with a completed form USM-285 providing instructions for
6 service of process upon defendant Mahmoud and two copies of the pleading provided to
7 plaintiff.

8 3. Failure to provide new instructions for service of process upon defendant Mahmoud
9 within the time allowed or show good cause for such failure will result in a recommendation that
10 this action be dismissed as to that defendant.

11 DATED: October 6, 2009.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES OLIVER,

Plaintiff,

No. CIV S-06-0390 MCE EFB P

vs.

THOMAS CAREY, et al.

Defendant[s].

NOTICE OF SUBMISSION
OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____.

- One completed summons
- _____ completed USM-285 forms
- _____ copies of the _____
Complaint/Amended Complaint

DATED:

Plaintiff