

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DANNY JAMES COHEA,

11 Plaintiff,

No. 2:06-cv-2260 GEB KJN P

12 vs.

13 J. SALTER, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a state prisoner proceeding without counsel and in forma pauperis.  
17 Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's March  
18 15, 2010 application for service of process for defendant Salter. Dkt. No. 65.

19 On January 15, 2010, the court provided plaintiff with service forms and ordered  
20 plaintiff to complete the forms and return them to the court so defendant Salter could be served.  
21 It appears that the U.S. Marshal was unable to locate defendant Salter.

22 Plaintiff attempted to obtain the records for former employees through California  
23 Department of Corrections and Rehabilitation (CDCR) to find defendant's address. Dkt. No. 65.  
24 Plaintiff indicates that CDCR would not process his request as CDCR cannot divulge such  
25 private information.

26 Plaintiff then contacted counsel for the other defendants who had already been

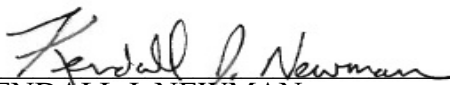
1 served, seeking to find defendant Salter's address.<sup>1</sup> On March 2, 2010, counsel for these  
2 defendants indicated that defendant Salter is no longer employed by CDCR or the State of  
3 California and *defendants* do not have information as to a current employment or residential  
4 mailing address for defendant Salter. Dkt. No. 63 (emphasis added).

5 Plaintiff seeks judicial intervention for the court to obtain the address from  
6 CDCR. However, it is not clear if counsel for defendants attempted to obtain the address for  
7 defendant Salter from CDCR or merely inquired with the individual defendants who work for  
8 CDCR.

9 Rather than the court attempt to order CDCR to search for the address, it seems  
10 more efficient to initially ascertain whether counsel for defendants already inquired with CDCR.  
11 If counsel has in fact already requested this information from CDCR with no success, counsel  
12 may indicate that fact. The court is aware that counsel for defendants is no longer assigned to  
13 this case, as those defendants were dismissed, but a clarification of the March 2, 2010 response  
14 would be useful.

15 Accordingly, IT IS HEREBY ORDERED that within 21 days counsel inquire with  
16 CDCR regarding defendant Salter's address and provide the address to the court *in camera*. If  
17 counsel has already requested this information they may simply indicate that fact.

18 DATED: April 30, 2010  
19  
20

21   
22 KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE

24 cohe2260.ord  
25

26 <sup>1</sup> These defendants were dismissed from this action without prejudice on March 16, 2010.  
Dkt. No. 64.