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

CLARENCE A. GIPBSIN,

Plaintiff,

No. CIV S-07-0157 MCE EFB P

vs.

SCOTT KERNAN, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a prisoner proceeding *in forma pauperis* and without counsel in a civil rights action.

The United States Marshal has returned process directed to defendant J. Rivas unserved because “several in CDC locator database” and defendants W. Rush and Thomas Maddock unserved because “not in CDC locator database.” Plaintiff must provide new information about where these defendants 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

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1 complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff's  
2 access to the required information is denied or unreasonably delayed, plaintiff may seek judicial  
3 intervention.

4 Accordingly, it is ORDERED that:

5 1. The Clerk of the Court shall mail plaintiff three forms USM-285 and a copy of the  
6 pleading filed February 25, 2008.

7 2. Within 60 days from the date this order is served, plaintiff may submit the attached  
8 Notice of Submission of Documents with the completed forms USM-285 providing instructions  
9 for service of process upon defendants J. Rivas, W. Rush and Thomas Maddock and 4 copies of  
10 the pleading provided to plaintiff.

11 3. Failure to provide new instructions for service of process upon defendants J. Rivas,  
12 W. Rush and Thomas Maddock within the time allowed or show good cause for such failure will  
13 result in a recommendation that this action be dismissed as to those defendants.

14 DATED: February 5, 2009.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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SCOTT KERNAN, et al.,

Defendants.

NOTICE OF SUBMISSION  
OF DOCUMENTS

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

- One completed summons
- Three completed USM-285 forms
- Four copies of the February 25, 2008  
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff