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

DANIEL HARPER,

Plaintiff,

No. CIV S-07-2131 MCE EFB P

vs.

HUMPHREYS, 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 Humphreys unserved because the defendant is “no longer at facility.” 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.

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Accordingly, it is ORDERED that:

1. The Clerk of the Court shall mail plaintiff one form USM-285 and a copy of the pleading filed October 19, 2007.

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

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

DATED: January 23, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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DANIEL HARPER

Plaintiff,

No. CIV S-07-2131 MCE EFB P

vs.

HUMPHREYS, et al.,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

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

_____ completed summons

1 completed USM-285 forms

2 copies of the October 19, 2007
Amended Complaint

DATED:

Plaintiff