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

SHAWN MARSHALL TOMPKINS,

Plaintiff,

No. CIV S-07-2346 GEB EFB P

vs.

STEPHENS, 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 Miranda unserved because “there are several in the CDC locator database.” Plaintiff must attempt to provide additional information to enable prison officials to determine exactly who petitioner intends to sue. Plaintiff 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 access to the required information is denied or unreasonably delayed while plaintiff attempts to comply with this order, he 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 October 26, 2007.

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 Miranda and two copies of the pleading provided to plaintiff.

7           3. Failure to provide new instructions for service of process upon defendant Miranda  
8 within the time allowed, or to show good cause for such failure, will result in a recommendation  
9 that this action be dismissed without prejudice as to that defendant.

10 DATED: September 2, 2009.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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vs.

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Defendants.

NOTICE OF SUBMISSION  
OF DOCUMENTS

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

- 1 completed USM-285 forms
- 2 copies of the 10/26/07  
Complaint

DATED:

\_\_\_\_\_  
Plaintiff