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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON JAMES PIERCE,
Plaintiff,
v.
DOCTOR BARON, et al.,
Defendants.

No. 2:08-cv-1148 MCE DAD P

ORDER

Plaintiff is a former state prisoner who is proceeding pro se and in forma pauperis.
Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

On September 10, 2014, the court ordered the United States Marshal to serve the complaint on defendants. Process directed to defendant Baron was returned unserved because according to the Marshal’s Office they were “unable to locate” Baron. Plaintiff must provide additional information to serve this defendant. Plaintiff shall promptly seek such information through discovery, the California Public Records Act, Calif. Gov’t. Code § 6250, et seq., or other means available to plaintiff. The court cautions plaintiff that when service of a complaint is not made upon a defendant within 120 days after the complaint was filed, the court may be required to dismiss plaintiff’s claims against that defendant. See Fed. R. Civ. P. 4(m).

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Accordingly, IT IS HEREBY ORDERED that:

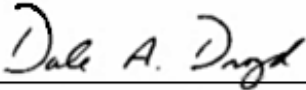
1. The Clerk of the Court is directed to send to plaintiff one USM-285 form, along with an instruction sheet and a copy of plaintiff's fifth amended complaint (Doc. No. 181) and supplemental complaint (Doc. No. 187);

2. Within thirty days from the date of this order, plaintiff shall complete and submit the attached Notice of Submission of Documents to the court, with the following documents:

- a. One completed USM-285 form for defendant Baron;
- b. Two copies of the endorsed fifth amended complaint and supplemental complaint; and
- c. One completed summons form (if not previously provided).

Alternatively, if plaintiff no longer wishes to proceed against defendant Baron, plaintiff may file a motion to voluntarily dismiss this defendant.

Dated: January 23, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON JAMES PIERCE,
Plaintiff,
v.
DOCTOR BARON et al.,
Defendant.

No. 2:08-cv-1148 MCE DAD P

NOTICE OF SUBMISSION OF
DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's order
filed _____ :
_____ **one** completed summons form
_____ **one** completed USM-285 forms
_____ **two** copies of the fifth amended complaint and supplemental complaint

DATED:

Plaintiff