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

BRIAN JOSEPH STOLTIE,

Plaintiff,

No. CIV S-08-2584 GEB DAD P

vs.

JANETTA GERINGSON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action. On August 12, 2009, the court ordered the United States Marshal to serve plaintiff's complaint on three defendants. Service has been effected on defendants Ziga and Lipon. However, the Marshal was unable to effect service on defendant Geringson. According to California Medical Facility, defendant Geringson is not employed at the facility.

If plaintiff wishes to proceed with his claims against defendant Geringson, plaintiff must provide additional information that will enable the United States Marshal to serve this defendant. Plaintiff shall promptly seek such information through any means available to him.

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1 Plaintiff is cautioned that when service of a complaint is not made upon a
2 defendant within 120 days after the complaint was filed, the court may be required to dismiss the
3 plaintiff's claims against that defendant. See Fed. R. Civ. P. 4(m).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Clerk of the Court is directed to send plaintiff one summons, one USM-
6 285 form, an instruction sheet, and a copy of the complaint filed October 30, 2008;

7 2. Within thirty days from the date of this order, plaintiff shall complete the
8 attached Notice of Submission of Documents and submit it to the court with the documents listed
9 below:

10 a. One completed USM-285 form for defendant Geringson;

11 b. Two copies of the endorsed complaint filed October 30, 2008; and

12 c. One completed summons form.

13 Failure to do so will result in a recommendation that defendant Geringson be dismissed from this
14 action. In the alternative, plaintiff may file a request to voluntarily dismiss defendant Geringson.

15 DATED: December 7, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT
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BRIAN JOSEPH STOLTIE,

Plaintiff,

No. CIV S-08-2584 GEB DAD P

vs.

JANETTA GERINGSON, 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 form;

___ one completed USM-285 form; and

___ two true and exact copies of the complaint filed October 30, 2008.

DATED: _____.

Plaintiff