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

ANTHONY PASSER,

Plaintiff,

No. CIV S-08-2792 DAD P

VS.

13 DR. STEEVERS, et al.,

Defendants. <u>ORDER</u>

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action. On May 18, 2009, the court ordered the United States Marshal to serve the complaint on three defendants. However, the Marshal was unable to effect service on defendant Steevers, reporting that he is no longer employed at the California Medical Facility, and the California Department of Corrections and Rehabilitation locator has no record of him.

If plaintiff wishes to proceed with his claims against defendant Steevers, 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.

Plaintiff is cautioned 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 the plaintiff's claims against that defendant. See Fed. R. Civ. P. 4(m).

Accordingly, IT IS HEREBY ORDERED that: 1. The Clerk of the Court is directed to send plaintiff one summons, one USM-285 form, an instruction sheet, and a copy of the amended complaint filed January 7, 2009; 2. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit it to the court with the documents listed below: a. One completed USM-285 form for defendant Steevers; b. Two copies of the amended complaint filed January 7, 2009; and c. One completed summons form. Failure to do so will result in a recommendation that defendant Steevers be dismissed from this action. In the alternative, plaintiff may file a request to voluntarily dismiss defendant Steevers from this action. DATED: September 30, 2009. DAD:9 UNITED STATES MAGISTRATE JUDGE pass2792.8e

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8	8 IN THE UNITED STATES DISTRICT COURT	
9	9 FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	0 ANTHONY PASSER,	
11	Plaintiff, No. CIV S-08-2792 DAD P	
12	2 vs.	
13	DR. STEEVERS, et al., <u>NOTICE OF SUBMISSION</u>	
14	Defendants. OF DOCUMENTS	
15	/	
16	Plaintiff hereby submits the following documents in compliance with the	court's
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18	8 <u>one</u> completed summons form;	
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20		7, 2009.
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