

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ANTHONY PASSER,

Plaintiff,

No. 2:08-cv-2792 TLN KJN P

vs.

DR. STEEVERS, et al.,

Defendants.

ORDER

_____ /

On June 14, 2013, this court granted plaintiff’s request for assistance in obtaining accurate contact information for defendants Alchek, Coleman and Azevedo, for the purpose of serving process on these defendants. (See ECF No. 85.) Since that time, defendant Alchek has appeared in this action by answering the Second Amended Complaint (ECF No. 89); defendants Burt, Gavia, Sabin, Steevers, Mehta, and Rosales previously answered the complaint (ECF Nos. 51, 57, 70).

On July 15, 2013, counsel for defendants timely informed the court that, pursuant to the court’s June 14, 2013 order, they had inquired of each defendant the current locations of defendants Coleman and Azevedo, and so informed, or anticipated informing, plaintiff of any new information. (ECF Nos. 87, 88.) Because the most recent attempts by the United States Marshal to serve process on these defendants were made prior to July 15, 2013 (see ECF Nos.

1 82, 86), it was possible that defendants could provide new service information. Thus, plaintiff's
2 counsel was instructed to submit to the court, within forty-five days (or by July 29, 2013), any
3 new instructions for the Marshal; however, plaintiff's counsel submitted no additional
4 information. If new information is later obtained to serve process on defendants Azevedo and/or
5 Coleman, plaintiff's counsel may submit it at that time.

6 Accordingly, pursuant to the terms of the court's prior order, and subject to the
7 new information provided herein, IT IS HEREBY ORDERED that:

8 1. Plaintiff's counsel may, at any time, submit to the court any new and reliable
9 contact information she has obtained for defendants Azevedo and/or Coleman; this information
10 shall be set forth on the appropriate forms required by the U.S. Marshal, and submitted together
11 with a statement to the court.

12 2. Counsel for defendants remain under a continuing obligation to timely inform
13 plaintiff's counsel of any new contact information for defendants Azevedo and/or Coleman.

14 3. If service of process on defendants Azevedo and/or Coleman has not been
15 completed by November 1, 2013, the court will, nevertheless, issue a Discovery and Scheduling
16 Order, and this action will proceed without prejudice to the subsequent inclusion of one or both
17 of these defendants.

18 4. The Clerk of Court is directed to serve a copy of this order on the United States
19 Marshal. The Marshal is directed to continue attempting to complete service of process on
20 defendants Azevedo and Coleman, with the currently available contact information, until
21 further notice by the court.

22 SO ORDERED.

23 DATED: August 14, 2013

24
25 
26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE