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

HOWARD SCOTT,

Plaintiff,

No. CIV S-09-0851 EFB P

vs.

M. MCDONALD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a prisoner proceeding *in forma pauperis* and without counsel in a civil rights action. The United States Marshal has returned process directed to defendant Sharrb unserved, with notations indicating that the California Department of Corrections does not have any employee with the name of "Sharrb." *See* Dckt. No. 52. Therefore, plaintiff must provide new information, such as the proper spelling of this defendant's name, so that this defendant may be served with process. Plaintiff may seek such information through discovery, the California Public Records Act, California Government Code §§ 6250, *et seq.*, or any other means available but must proceed with haste because Rule 4(m) of the Federal Rules of Civil Procedure requires that 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 plaintiff's access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention.

1 Accordingly, it is ORDERED that:

2 1. The Clerk of the Court shall mail plaintiff one form USM-285.

3 2. Within 60 days from the date this order is served, plaintiff may return the completed
4 form USM-285, providing new instructions for service of process upon defendant Sharrb.

5 3. Failure to provide new instructions for service of process upon defendant Sharrb
6 within the time allowed or show good cause for such failure will result in a recommendation that
7 this action be dismissed as to defendant Sharrb.

8 DATED: October 17, 2011.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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