

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

CHARLES CHATMAN,

Plaintiff,

No. CIV S-09-1028 JAM KJM P

vs.

T. FELKER, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. On December 2, 2009, the court directed the U.S. Marshal to serve defendant Patton, among other defendants. On April 26, 2010, plaintiff notified the court that the Marshal had been unable to serve defendant Patton in another of plaintiff's cases, that he had unsuccessfully sought information through California's Public Record Act and through the prison, and asked for court intervention. The court denied the motion without prejudice. Thereafter, plaintiff asked counsel for defendants if he would accept service for defendant Patton. Counsel told plaintiff he was not authorized to accept service for defendant Patton and did not know where Patton was. Docket No. 35 at 6. Plaintiff has now asked the court to direct counsel to accept service for defendant Patton or take other appropriate actions to ensure that defendant Patton is served.

////

1 The court will not ask counsel to accept service on behalf of a person whose
2 location is unknown. Moreover, it appears that plaintiff has exhausted reasonable means of
3 finding defendant Patton. The court has no ability to find the defendant and order that he be
4 served.

5 IT IS THEREFORE ORDERED that plaintiff's motion for court intervention
6 (docket no. 35) is denied.

7 DATED: October 21, 2010.

8 
9 _____
10 U.S. MAGISTRATE JUDGE

11 2

12 chat1028.ord

13
14
15
16
17
18
19
20
21
22
23
24
25
26