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

MICHAEL DEVELDER,

Plaintiff,

No. CIV S-09-1803 EFB P

vs.

J. HIRSHLER, 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 Housley unserved, with a notation that Housley is not employed at Mule Creek State Prison and his name cannot be found in the CDC locator database.

Plaintiff must provide new information about where 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 Fed. R. Civ. P. 4(m) requires 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.

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Accordingly, it is ORDERED that:

1. The Clerk of the Court shall mail plaintiff one form USM-285 and a copy of the amended pleading filed April 12, 2010.

2. Within 60 days from the date this order is served, plaintiff may submit the attached Notice of Submission of Documents with a completed form USM-285 providing instructions for service of process upon defendant Housley and two copies of the pleading provided to plaintiff.

3. Failure to provide new instructions for service of process upon defendant Housley within the time allowed or show good cause for such failure will result in dismissal as to that defendant.

DATED: October 18, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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Defendants.

NOTICE OF SUBMISSION  
OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_.

One completed USM-285 forms

Two copies of the 4/12/10 Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff