

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DAVID EDWARDS,

11 Plaintiff,

No. CIV S-10-0298 DAD P

12 vs.

13 N. GRANNIS, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil
17 rights action. On May 11, 2010, the court ordered the United States Marshal to serve the
18 complaint on one defendant. The Marshal was unable to effect service on defendant Peck
19 because the California Department of Corrections and Rehabilitation locator was unable to locate
20 defendant Peck.

21 If plaintiff wishes to proceed with his claims against defendant Peck, plaintiff
22 must provide additional information that will enable the United States Marshal to serve this
23 defendant. Plaintiff shall promptly seek such information through any means available to him.

24 Plaintiff is cautioned that when service of a complaint is not made upon a
25 defendant within 120 days after the complaint was filed, the court may be required to dismiss the
26 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 April 6, 2010;

2. Within sixty days from the date of this order, plaintiff shall either complete the attached Notice of Submission of Documents and submit it to the court with the documents listed below, or plaintiff shall show good cause why he cannot provide the required information and documents:

a. One completed USM-285 form for defendant Peck;

b. Two copies of the endorsed complaint filed April 6, 2010; and

c. One completed summons form.

DATED: September 2, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD: md
edwa0298.8e

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 Plaintiff, No. CIV S-
12 vs.

13 NOTICE OF SUBMISSION
14 Defendants. OF DOCUMENTS
15

16 _____/
17 Plaintiff hereby submits the following documents in compliance with the court's
18 order filed _____:

- 18 _____ one completed summons form;
19 _____ one completed USM-285 form; and
20 _____ two true and exact copies of the complaint filed **[date]**.

21 DATED: _____.
22

23 _____
24 Plaintiff
25
26