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

10 DANIEL STEVE DIXON,

11 Plaintiff,

No. 2:10-cv-1441 GEB KJN P

12 vs.

13 S. LAROSA, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner, is proceeding without counsel or pro se, with a civil
17 rights action pursuant to 42 U.S.C. § 1983. By an order filed March 9, 2011, this court ordered
18 plaintiff to complete and return to the court, within thirty days, the two USM-285 forms which
19 are required to effect service on the defendants. On April 4, 2011, plaintiff submitted a notice of
20 submission of documents but no completed USM-285 forms.

21 On April 4, 2011, plaintiff also filed a request for public information in order to
22 serve defendants Gamez and Hodges Wilkins. (Dkt. No. 43.) However, service on defendant
23 Hodges Wilkins was returned executed and, on April 7, 2011, defendant Hodges Wilkins filed a
24 motion to dismiss. Accordingly, plaintiff's request as to defendant Hodges Wilkins is denied.
25 With respect to defendant Gamez, service on defendant Gamez was returned unexecuted.
26 Defendant V. Gamez was not employed at Mule Creek State Prison, and was not listed in the

1 locator database for the California Department of Corrections and Rehabilitation. (Dkt. No. 34.)
2 Plaintiff is advised that no court order is required to seek discovery of defendant V. Gamez's
3 present location from other defendants who have appeared in this action, or to seek release of this
4 information through the California Public Records Act from the California Department of
5 Corrections and Rehabilitation. Thus, plaintiff's motion is denied without prejudice. However,
6 plaintiff is cautioned that it appears from the notations provided by the U.S. Marshal on the
7 unexecuted return of service that defendant V. Gamez may no longer be employed with the
8 Department of Corrections.


9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's April 4, 2011 motion (dkt. no. 43) is denied without prejudice;
11 2. The Clerk of the Court is directed to send plaintiff one blank USM-285 form;

12 and

13 3. Within sixty days, plaintiff shall submit to the court the completed
14 USM-285 form required to effect service on defendant Gamez. Failure to return the completed
15 USM-285 form within the specified time period will result in a recommendation that defendant
16 Gamez be dismissed from this action.

17 DATED: May 16, 2011

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20 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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