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

JULIO MALDONADO,

Plaintiff,

No. CIV S-10-1944 DAD P

vs.

RODRIGUEZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

By order filed March 28, 2011, the court determined that plaintiff's amended complaint states a cognizable claim for relief against defendants Gandy, Green, and Rodriguez and ordered plaintiff to provide information for service of process on form USM-285, a completed summons, sufficient copies of the amended complaint for service, and a notice of compliance. Subsequently, the court ordered service of plaintiff's amended complaint on the defendants. Defendant Gandy has since appeared in this action. However, service directed to defendants Green and Rodriguez has been returned unexecuted.

On July 6, 2011, the court advised plaintiff that if he wished to proceed with his claims against defendants Green and Rodriguez, he would need to provide additional information

1 that would enable the United States Marshal to serve these named defendants. The court
2 instructed him to seek such information through any means available to him.

3 In response to the court’s order, plaintiff asked for a sixty-day extension of time.
4 Although the court granted plaintiff the additional time, he has since informed the court that he
5 still is unable to provide the U.S. Marshal with the proper address for defendants Rodriguez and
6 Green. Plaintiff has informed the court that both Charlotte Rodriguez and Monique Green
7 worked at California State Prison, Sacramento in 2008. Rodriguez was employed by NMR-
8 Solvere, and Green was employed by MSN. Plaintiff has filed several motions, asking for
9 additional time and requesting that the court open discovery for the purpose of locating the
10 proper addresses for these defendants.

11 Pursuant to this court’s prior order, if a defendant did not return a waiver of
12 service of summons within sixty days from the date of mailing the request for waiver, the U.S.
13 Marshal was to personally serve process on the defendant, “command all necessary assistance
14 from the California Department of Corrections and Rehabilitation (“CDCR”) to execute this
15 order” and “maintain the confidentiality of all information provided by the CDCR pursuant to”
16 that order. See Order filed May 10, 2011 at ¶ 5. According to the information provided on the
17 USM-285 form returned by the U.S. Marshal and filed on June 13, 2011, the prison facility
18 advised the U.S. Marshal that defendants Rodriguez and Green no longer work at California
19 State Prison, Sacramento, and are not listed in the CDC Locator.

20 At this time, the court will deny plaintiff’s motions asking for additional time and
21 requesting that the court open discovery. Instead, the court will direct Supervising Deputy
22 Attorney General Monica Anderson to take all steps necessary to assist the U.S. Marshal in
23 locating addresses for service of process on defendants Rodriguez and Green.

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1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motions (Doc. Nos. 21-24 & 29) are denied without prejudice;

3 2. The Clerk of the Court is directed to serve a copy of plaintiff's motion (Doc.
4 No. 24) and attached exhibits together with a copy of this order on Supervising Deputy Attorney
5 General Monica N. Anderson and on the U.S. Marshal;

6 3. Supervising Deputy Attorney General Monica Anderson shall take all steps
7 necessary to assist the U.S. Marshal in locating addresses for service of process on defendants
8 Charlotte Rodriguez and Monique Green and shall report to the court within twenty-one days
9 whether she has been able to provide valid addresses to the U.S. Marshal and, if not, why no
10 addresses can be located; and

11 4. The U.S. Marshal shall maintain the confidentiality of any service address
12 information provided by Supervising Deputy Attorney General Anderson. Should an address be
13 provided, the U.S. Marshal shall, upon receipt of that address, take all steps necessary to request
14 a waiver of service and/or to personally serve defendants Charlotte Rodriguez and Monique
15 Green in accordance with the provisions of this court's May 10, 2011 order.

16 DATED: November 2, 2011.

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19 _____
20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

19 DAD:9
20 mald1944.serv