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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	KEITH BRIDGEWATER,	
11	Plaintiff, No. 2:10-cv-2971 GEB DAD P	
12	vs.	
13	MATTHEW CATE, et al., ORDER AND	
14	Defendants. FINDINGS AND RECOMMENDATIONS	
15	/	
16	Plaintiff is a state prisoner proceeding pro se and in forma pauperis, seeking rel	ief
17	pursuant to 42 U.S.C. § 1983. For the reasons discussed herein, the court recommends that	
18	defendant Hazlewood be dismissed from this action without prejudice.	
19	By way of background, on July 26, 2012, the undersigned screened plaintiff's	
20	amended complaint, finding that it appeared to state a cognizable claim for relief against	
21	defendants Hazlewood, Hickman, Turner, and Virga and instructed plaintiff to complete and	
22	return the documents necessary to effect service on those defendants. Plaintiff did so, and on	
23	August 27, 2012, the undersigned directed the United States Marshal to serve the defendants w	vith
24	plaintiff's amended complaint. Defendants Turner and Virga waived service and filed a motio	n
25	to dismiss. However, the United States Marshal was unable to effect service on defendant	
26	Hazlewood because the defendant is no longer employed at CSP-Sacramento, and although the	e
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service documents had been forwarded, the forwarded mail had been stamped "return to sender."
The United State Marshal had not completed service on defendant Hickman.

3 On January 31, 2013, in the interest of judicial economy, the court directed 4 counsel for defendants to inform the court whether counsel was willing to accept service of 5 process on behalf of defendants Hazlewood and/or defendant Hickman. Defense counsel informed the court that she would accept service for former Secretary of the California 6 7 Department of Corrections and Rehabilitation R. Hickman but could not accept service for 8 defendant Hazlewood because she had not been able to locate him. On March 29, 2013, the 9 court advised plaintiff that the court would dismiss defendant Hazlewood if plaintiff could not 10 provide additional information to the court that would allow the United States Marshal to serve 11 this defendant. Plaintiff has since filed a motion seeking further judicial intervention and submitted a new USM-285 form with information for service of process with respect to 12 13 defendant Hickman but not defendant Hazlewood.

14 At this point, the court finds that plaintiff cannot show good cause for the failure 15 to effect service on defendant Hazlewood. Although plaintiff has had nearly a year to provide the 16 court with the information necessary to enable the United States Marshal to serve defendant 17 Hazlewood, he has failed to provide the court with a current address for this defendant. 18 Moreover, the court has already intervened on plaintiff's behalf and sought the necessary 19 information for service on defendant Hazlewood from defense counsel to no avail. The motion 20 to dismiss filed on behalf of defendants Turner, Virga and Hickman¹ has been pending before the 21 court since December 4, 2012. Plaintiff will be directed to file an opposition to that motion to 22 dismiss within thirty days, and the case will proceed on plaintiff's amended complaint and the 23 claims set forth therein against these defendants.

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¹ Defendant Hickman has requested to join defendant Turner and Virga's motion to dismiss. Good cause appearing, the court will grant defendant's request.

1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Within thirty days of the date of service of this order plaintiff shall file an
3	opposition to defendants' motion to dismiss. Defendants shall file a reply, if any, in accordance
4	with Local Rule 230(1); and
5	2. Defendant Hickman's request to join defendant Turner and Virga's motion to
6	dismiss is granted.
7	IT IS HEREBY RECOMMENDED that:
8	1. Plaintiff's motion for further judicial intervention in connection with his
9	attempts to locate defendant Hazlewood (Doc. No. 41) be denied; and
10	2. Defendant Hazlewood be dismissed without prejudice. See Fed. R. Civ. P.
11	4(m) and 41(b).
12	These findings and recommendations are submitted to the United States District
13	Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
14	days after being served with these findings and recommendations, any party may file written
15	objections with the court and serve a copy on all parties. Such a document should be captioned
16	"Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
17	shall be served and filed within fourteen days after service of the objections. The parties are
18	advised that failure to file objections within the specified time may waive the right to appeal the
19	District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
20	DATED: May 31, 2013.
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22	Dale A. Drogd DALE A. DROZD
23	DAD:9 UNITED STATES MAGISTRATE JUDGE
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