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

ARIEL BALTHROPE,

Plaintiff,

No. 2:10-cv-3003-KJM-JFM (PS)

vs.

SACRAMENTO COUNTY OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

ORDER

_____ /
This action is proceeding on a first amended complaint filed January 18, 2011.
Pending before the court is plaintiff's motion for extension of time to serve defendants Rashida
Green and Garciela Garcia-Mitchell.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed,
the court-on motion or on its own after notice to the plaintiff-must dismiss the
action without prejudice against that defendant or order that service be made
within a specified time. But if the plaintiff shows good cause for the failure, the
court must extend the time for service for an appropriate period.

Rule 4(m) requires a district court to grant an extension of time to serve a defendant if the
plaintiff shows good cause for the delay in service. Efaw v. Williams, 473 F.3d 1038, 1040 (9th
Cir. 2007); In re Sheehan, 253 F.3d 507, 512 (9th Cir. 2001).

1 Here, it is undisputed that plaintiff failed to serve defendants Green and Garcia-
2 Mitchell within 120 days of the filing of the amended complaint. Plaintiff asserts that despite
3 attempting to serve these defendants at their last known place of employ, the employer has
4 declined to accept service because Green is no longer employed with the unidentified agency and
5 Garcia-Mitchell is on extended leave. Plaintiff asks for an order directing defendants to supply
6 plaintiff with the necessary addresses. This request will be denied. Plaintiff is advised that she
7 must seek this information from defendants through discovery. The court will, however, grant
8 plaintiff an additional sixty (60) days to serve these defendants. Plaintiff's failure to do so will
9 result in dismissal of the claims without prejudice against said defendants pursuant to Rule 4(m).

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for an extension
11 of time (Doc. No. 40) is partially granted. Plaintiff shall serve defendants Green and Garcia-
12 Mitchell within sixty (60) days from the date of this order.

13 DATED: February 16, 2012.

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16 UNITED STATES MAGISTRATE JUDGE

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