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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY PENTON,	No. 2:11-cv-0518 GEB KJN P
Plaintiff,	
v.	<u>ORDER</u>
S. NUNEZ,	
Defendant.	

Plaintiff is a prisoner who is proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

On August 2, 2013, the court ordered the United States Marshal to serve the complaint on defendant S. Nunez. Process directed to defendant Nunez was returned unexecuted, and on November 27, 2013, the Supervising Deputy Attorney General was requested to take all steps necessary to enlist the assistance from the California Department of Corrections and Rehabilitation (“CDCR”) to obtain defendant’s current address. On December 17, 2013, the Supervising Attorney General filed a notice of compliance, and informed the court that information had been provided to the United States Marshal. (ECF No. 54.) However, on January 17, 2014, process directed to defendant Nunez at the address provided by the Deputy Attorney General was returned unexecuted and marked, RTS [“Return to Sender”] wrong address.

1 On February 13, 2014, the supervising Deputy Attorney General was requested to take all
2 steps necessary to enlist the assistance from the CDCR to obtain defendant S. Nunez' current
3 address. On March 13, 2014, the supervising Deputy Attorney General filed a response
4 confirming that the address previously provided to the U.S. Marshal is the last known address for
5 this defendant.

6 As plaintiff was previously informed, if a CDCR employee by the name of S. Nunez
7 cannot be located, this action must be dismissed based on a failure to comply with Rule 4(m) of
8 the Federal Rules of Civil Procedure. (ECF Nos. 53, 56.) Thus, plaintiff must provide additional
9 information to serve defendant Nunez. Plaintiff shall promptly seek such information through
10 discovery, the California Public Records Act, Calif. Gov't. Code §§ 6250, et seq., or other means
11 available to plaintiff. Failure to comply with this order will result in the dismissal of this action.

12 Accordingly, IT IS HEREBY ORDERED that:

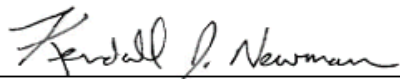
13 1. The Clerk of the Court is directed to send to plaintiff one USM-285 form, along with
14 an instruction sheet and a copy of the second amended complaint filed November 15, 2012; and

15 2. On or before May 13, 2014, plaintiff shall complete and submit the attached Notice of
16 Submission of Documents to the court, with the following documents:

- 17 a. One completed USM-285 form for defendant Nunez;
18 b. Two copies of the endorsed second amended complaint filed November 15,
19 2012; and
20 c. One completed summons form (if not previously provided) or show good cause
21 why he cannot provide such information.

22 Dated: March 26, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE