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

TIMOTHY O’KEEFE,

Plaintiff,

No. 2: 11-cv-2659 KJM KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On April 9, 2012, the court ordered the United States Marshal to serve the complaint on defendants. Process directed to defendants Chief Psychologist and Chief Psychiatrist was returned unserved because “there is not enough information” to process the requests.

On May 11, 2012, the court granted plaintiff sixty days to provide additional information to serve defendants Chief Psychologist and Chief Psychiatrist. On June 18, 2012, plaintiff submitted USM-285 forms containing additional information for service of these defendants. Plaintiff identified the Chief Psychiatrist as Karen Higgins. Plaintiff identified the Chief Psychologist as Timothy Belavich. On June 26, 2012, the court ordered the United States Marshal to again attempt service of these defendants.

1 The United States Marshal has since informed the court that plaintiff's USM-285
2 form identifies the Chief Psychologist as "Director of Mental Health Timothy Belavich." Based
3 on the information provided by plaintiff, it appears that there is no person with the title of Chief
4 Psychologist. In other words, Director of Mental Health Timothy Belavich is a new defendant.
5 If plaintiff intends to name Director of Mental Health Timothy Belavich as a defendant, he must
6 file a motion to amend and proposed amended complaint naming Director of Mental Health
7 Timothy Belavich as a defendant.

8 Because plaintiff has abandoned his claim against defendant Chief Psychologist,
9 as no such person apparently exists, the undersigned orders this defendant dismissed. Fed. R.
10 Civ. P. 41(a).

11 Accordingly, IT IS HEREBY ORDERED that:

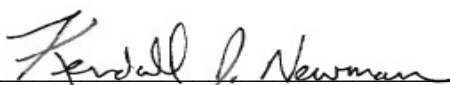
12 1. The portion of the June 26, 2012 order directing the United States Marshal to
13 serve Chief Psychologist Belavich is vacated; the United States Marshal shall proceed to serve
14 Chief Psychiatrist Karen Higgins;

15 2. Defendant Chief Psychologist is dismissed;

16 3. If plaintiff intends to name Director of Mental Health Timothy Belavich as a
17 defendant, he must file a motion to amend and proposed amended complaint naming Director of
18 Mental Health Timothy Belavich as a defendant; and

19 4. The Clerk of the Court is directed to serve a copy of this order on the United
20 States Marshal.

21 DATED: July 17, 2012

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24 
KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

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