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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 [was] 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 After receiving the June 26, 2012 order, the United States Marshal informed the
2 court that plaintiff's USM-285 form identified the Chief Psychologist as "Director of Mental
3 Health Timothy Belavich." On July 18, 2012, the court issued an order finding that based on the
4 information provided by plaintiff, it appeared that there was no person with the title of Chief
5 Psychologist. In other words, Director of Mental Health Timothy Belavich was a new defendant.
6 The July 18, 2012 order stated that if plaintiff intended to name Director of Mental Health
7 Timothy Belavich as a defendant, he must file a motion to amend and proposed amended
8 complaint naming Director of Mental Health Timothy Belavich as a defendant. The July 18,
9 2012 order dismissed plaintiff's claim against defendant Chief Psychologist.

10 On August 1, 2012, plaintiff filed a letter with the court stating that he has since
11 been informed that there are four Chief Psychologists. Plaintiff requests that all Chief
12 Psychologists be named as defendants.

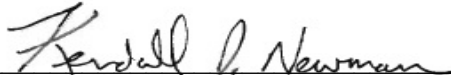
13 Attached to plaintiff's August 1, 2012 letter is a letter dated June 13, 2012
14 addressed to plaintiff from the Office of Legal Affairs for the California Department of
15 Corrections and Rehabilitation. This letter states that it is written in response to plaintiff request
16 for the names of the CDCR Chief Psychiatrist and CDCR Chief Psychologist at headquarters in
17 Sacramento. The letter states that it has determined that there are five names that are responsive
18 to plaintiff's request: 1) Chief Psychiatrist Karen Higgins; 2) Chief Psychologist of Psychology
19 Support Amy Eargle; 3) Chief Psychologist of Northern Regional Administration Steven
20 Clavere; 4) Chief Psychologist Southern Regional Administration Randall Norris; and 5) Chief
21 Psychologist Central Regional Administration Tia Araminta.

22 Plaintiff's complaint does not identify by either title or name any of the
23 psychologists listed above. Plaintiff's identification of defendant "Chief Psychologist" in the
24 complaint does not encompass the persons listed above. If plaintiff intends to name Amy Eargle,
25 Steven Clavere, Randall Norris or Tia Araminta as defendants, he must file a motion to amend
26 and proposed amended complaint. Moreover, he must set forth allegations as to why each

1 individual is an appropriately named defendant.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for service of
3 additional defendants, contained in his August 1, 2012 letter, is denied.

4 DATED: August 10, 2012

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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