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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KESHAWN HOPKINS,  
  
                            Plaintiff,  
  
                  v.  
  
CDCR, et al.,  
  
                            Defendants.

No. 2:12-cv-0896-TLN-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The United States Marshal has returned process directed to defendant Abraham unserved, with a notation indicating that Abraham could not be served based on the information provided by plaintiff because Abraham is “no longer employed by CDCR” and there is “no valid forwarding information.” ECF No. 37.<sup>1</sup> Therefore, plaintiff must provide new information about how to locate this defendant for service of process. Plaintiff must proceed with haste because Fed. R. Civ. P. 4(m) requires that an action be dismissed as to a defendant not served within 120 days after filing the complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff’s access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention. Because Abraham has not been properly served, plaintiff’s request for entry of default against him (ECF No. 35), is denied.

<sup>1</sup> It appears as though the United States Marshal attempted to serve Abraham at several addresses in addition to the one provided by plaintiff, but was unsuccessful.

1 In addition, the court notes that plaintiff filed a request for production of documents with  
2 the court. ECF No. 34. Plaintiff is hereby informed that he must serve discovery documents on a  
3 defendant rather than filing them with the court. Pursuant to this court's local rules,  
4 interrogatories, requests for production, requests for admission, and responses thereto "shall not  
5 be filed with the clerk" unless there is a proceeding that puts the discovery request or response at  
6 issue. *See* E.D. Cal. Local Rules 250.2-250.4. Further, when a discovery request or response is at  
7 issue, only the part of the request or response at issue "shall be filed." *Id.* At this time, there is  
8 no proceeding before the court that requires plaintiff's request for production for its resolution.  
9 Plaintiff may serve discovery requests on defendant Nasser in accordance with the court's  
10 discovery and scheduling order.

11 Accordingly, it is HEREBY ORDERED that:

12 1. The Clerk of the Court shall mail plaintiff a form USM-285.

13 2. Within 30 days from the date this order is served, plaintiff must submit the attached  
14 Notice of Submission of Documents with the completed form USM-285 providing new  
15 instructions for service of process upon defendant Abraham. Failure to comply with this order  
16 within the time allowed or to show good cause for such failure will result in a recommendation  
17 that defendant Abraham be dismissed from this action pursuant to Rule 4(m).

18 3. Plaintiff's request for entry of default against defendant Abraham (ECF No. 35), is  
19 denied.

20 4. Plaintiff's request for production (ECF No. 34) is disregarded and the Clerk of the  
21 Court shall make a notation on the docket to that effect.

22 Dated: August 14, 2013.

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25 EDMUND F. BRENNAN  
26 UNITED STATES MAGISTRATE JUDGE  
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NOTICE OF SUBMISSION OF  
DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's order  
filed \_\_\_\_\_:

1 completed USM-285 form

DATED:

\_\_\_\_\_  
Plaintiff