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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. On August 15, 2013, the court informed plaintiff that he needed to submit new information about where defendant Abraham could be served. ECF No. 39. In response, plaintiff submitted an address to the court. ECF No. 44. Court records reflect that the United States Marshal already attempted, unsuccessfully, to serve Abraham at the address provided by plaintiff. See ECF No. 37. The court will not direct the Marshal to re-attempt service at a location known to be incorrect.

Plaintiff also requested intervention from the court to help him locate new information for service of process on Abraham, claiming that defendants Naseer and Abraham did not respond to his June 2013 discovery requests. See ECF No. 41, 42. The discovery and scheduling order in this action was not issued until August 16, 2013. ECF No. 40. Therefore, any discovery requests served by plaintiff in June would have been premature. Now that discovery has commenced,

1 plaintiff may request information pertaining to Abraham's whereabouts from Naseer. In addition,
2 the court notes that there is no reason to expect defendant Abraham to respond to plaintiff's
3 discovery requests, given that he has not yet appeared in this action and his whereabouts appear to
4 be unknown.

5 Accordingly, plaintiff must provide *new* information about how to locate defendant
6 Abraham for service of process. Plaintiff must proceed with haste because Fed. R. Civ. P. 4(m)
7 requires that an action be dismissed as to a defendant not served within 120 days after filing the
8 complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff's
9 access to the required information is denied or unreasonably delayed, plaintiff may seek judicial
10 intervention.

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 "motion for production of documents" and for "judicial intervention" (ECF
19 Nos. 41, 42), are denied.

20 Dated: September 10, 2013.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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v.
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Defendants.

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

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