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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMONT L. CALHOUN,
Plaintiff,
v.
M. GOMEZ, et al.,
Defendants.

No. 2:12-cv-2856-GEB-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 returned process directed to defendant Green, with a notation indicating that the individual could not be located because “4 Greens [were] working [in the] area at [the] time of event in complaint.” ECF No. 26. On February 14, 2014, the court directed plaintiff to provide new information about how to locate defendant Green for service of process. The court warned that 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. The court also informed plaintiff that if his access to the required information is unreasonably denied or delayed, he may seek judicial intervention. ECF No. 28.

In response, plaintiff filed a motion to compel defendants to produce a description of all four of the “Greens” working the area at the time of the complaint. ECF No. 29. He also

1 requested an extension of time to comply with the court's February 14, 2014 order. ECF No. 30.
2 None of the defendants have appeared in this action and it is premature at this point to compel
3 defendants to respond to plaintiff's discovery requests. Moreover, plaintiff has not shown that his
4 access to the required information has been unreasonably denied or delayed. In fact, it appears as
5 though plaintiff has not made any independent effort to collect new information about how to
6 locate defendant Green for service of process. Thus, plaintiff's request for court assistance in
7 identifying the correct "Green" for service of process is unwarranted.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion to compel/request for court assistance in locating defendant Green for
10 service of process (ECF No. 29) is denied.
- 11 2. Plaintiff's request for an extension of time (ECF No. 30) is granted.
- 12 3. The Clerk of the Court shall mail plaintiff a form USM-285.
- 13 4. 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 Green.
- 16 5. Failure to comply with this order within the time allowed or to show good cause for such
17 failure will result in a recommendation that this action be dismissed as to defendant
18 Green.

19 DATED: April 8, 2014.

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21 EDMUND F. BRENNAN
22 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