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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COREY JEROME ELDER,

Plaintiff,

v.

E. E. SANDY,

Defendant.

No. 2:14-cv-0892 WBS DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On July 11, 2017, the court ordered the United States Marshal to serve the complaint on defendant. The Deputy Marshal was unable to effect service. The Deputy contacted the Litigation Coordinator at Solano State Prison and was told that defendant Sandy no longer works at that facility and the prison has no forwarding information. (See ECF No. 25.) The Litigation Coordinator informed the Deputy that “it is believed [Sandy] travels in an RV.” In an order filed August 8, 2017, the court informed plaintiff that he must provide additional information to serve defendant Sandy. Plaintiff was advised to promptly seek such information through the California Public Records Act, Calif. Gov’t. Code § 6250, et seq., or other available means. The court informed plaintiff that if the “required information is denied or unreasonably delayed,” he may seek judicial intervention. (ECF No. 26.) Plaintiff was provided a new blank summons form.

1 On October 13, 2017, plaintiff filed a document in which he seeks “judicial intervention” in
2 locating defendant Sandy. (ECF No. 29.) Plaintiff stated that he has “done both a discovery and
3 a California Public Records Act request to no avail.” Because plaintiff provided no details about
4 what he had done to obtain an address for defendant Sandy, the court ordered him to do so. (ECF
5 No. 30.) The court also warned plaintiff that the court cannot locate an address for plaintiff. It is
6 his responsibility to provide information for service of process.

7 On November 16, 2017, plaintiff responded to the court’s order. (ECF No. 31.) Plaintiff
8 provided a copy of the Public Records Act request he made to the California Department of
9 Corrections for defendant Sandy’s address. Plaintiff states that a couple weeks later his counselor
10 informed him that his request had been returned and defendant Sandy no longer works for CDCR.

11 The court finds plaintiff has made a good faith attempt to locate defendant Sandy. Given
12 plaintiff’s status as an incarcerated prisoner acting pro se, the court will direct the Office of the
13 California Attorney General to make reasonable attempts to locate an address for defendant E. E.
14 Sandy. Plaintiff is advised, however, that if that office is unable to locate an address, and plaintiff
15 is unable to do so as well, this court must recommend dismissal of this action for failure to serve
16 defendant Sandy.

17 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

- 18 1. The Office of the California Attorney General is instructed to make all reasonable
19 efforts to locate an address for defendant E. E. Sandy and, within thirty days of the
20 filed date of this order, file a document informing the court about the results of that
21 search, if any.
- 22 2. The Clerk of the Court is directed to serve a copy of this order on Ms. Monica
23 Anderson, Supervising Deputy Attorney General.

24 Dated: November 26, 2017

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28 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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