

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JERRY GILLIAM,

Plaintiff,

12 || v.

No. 2:14-cv-02454-MCE-AC

ORDER

13 MA ELIZA CANGGAS GILLIAM, et al.

Defendants.

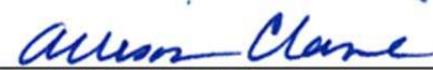
16 On December 9, 2014, plaintiff filed two (2) motions seeking the court's assistance in
17 effecting service of process upon defendant Ma Eliza Canggas Gilliam. ECF Nos. 9 & 10.
18 Plaintiff's motions allege that defendants J. Christina Alvarez Aulakh (erroneously sued as "J.
19 Christina Alverez Aulaki"), ECF No. 4, Debbie Sue Magistrado, Marsha A. McHugh, and James
20 Robert Gilliam know the whereabouts of Defendant Canggas but have refused to reveal her
21 location to plaintiff after repeated requests. ECF No. 9 at 1-2; ECF No. 10 at 1-2. The court
22 construes plaintiff's motion as a motion for early discovery.¹ However, plaintiff's motion is not

24 ¹ As a general rule, discovery proceedings take place only after the defendant has been served;
25 however, in rare cases, courts have made exceptions, permitting limited discovery to ensue after
26 filing of the complaint to permit the plaintiff to learn the identifying facts necessary to permit
27 service on the defendant. See e.g., Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
28 (finding the district court abused its discretion in dismissing the case with respect to the John Doe
defendants without requiring the named defendants to answer interrogatories seeking the names
and addresses of the supervisors in charge of the relevant facilities during the relevant time
period).

1 properly noticed, and therefore must be vacated. See Local Rule 230(b).

2 In accordance with the foregoing, IT IS HEREBY ORDERED that plaintiff's December
3 9, 2014, motions for court order for service of process, ECF Nos. 9 & 10, are vacated.

4 DATED: December 16, 2014

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE

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