

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,
Plaintiff,
v.
E. NAKU, M.D., et al.,
Defendants.

No. 2:15-cv-1313 TLN KJN P

ORDER

Plaintiff is a prisoner, proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff’s third amended complaint claiming defendants were deliberately indifferent to plaintiff’s serious medical needs, including plaintiff’s urology issues, stomach pain, and bleeding ulcers, in violation of the Eighth Amendment. (ECF No. 54.)

On September 1, 2020, the court ordered the United States Marshal to serve the complaint on defendants. Process directed to defendant Mahmoud was returned unserved because “Dr. called at location provided is 285, He stated he is not the Dr stated in complaint. He is a Dentist, not a medical doctor. 09/15/2020.” (ECF No. 95.) As discussed below, plaintiff must provide additional information to enable the U.S. Marshal to serve this defendant.

///
///

1 Background

2 The U.S. Marshal has three times attempted service of process without success. The first
3 USM-285 form identified this defendant as “Mahmoud.” (ECF No. 61.) The CDCR could not
4 locate or identify such person. (Id.) The second form identified this defendant as “Ahmed
5 Mahmoud.” (ECF No. 75.) After an unsuccessful mailing, the U.S. Marshal attempted personal
6 service at “6473 Pine Meadow Circle, Stockton, CA 95219,”¹ but was informed that this
7 individual “moved out 3 months ago.” (ECF No. 75.) The third form identified the defendant as
8 “Mahmoud Ahmed, M.D., License No. 11891,” on Florida Avenue in Hemet, California. (ECF
9 No. 95.) But service was unexecuted because Dr. Ahmad is a dentist, not a physician. Indeed,
10 the Department of Consumer Affairs website reflects that Dr. Mahmoud Ahmad is licensed with
11 the State of California, No. 58187, as a dentist. The only physician and surgeon listed with
12 license number 11891 is a female osteopathic physician and surgeon, Brenda Marie George,
13 whose license was cancelled in 2014.

14 On September 16, 2020, plaintiff’s Notice of Submission of Documents, signed by
15 plaintiff on September 13, 2020, was filed. At the top of the photocopied first page of the form
16 USM-285, plaintiff wrote “500 W. Hospital Rd French Camp CA 95231,” and in the special
17 instructions section plaintiff wrote: “2721 W. Florida Ave. lic #11891 Hemet, Calif 92545 (951)
18 925-2226.” (Id.)

19 Discussion

20 It appears that plaintiff’s most recent notice of submission of documents crossed in the
21 mail with the unexecuted return of service on the dentist, Dr. Ahmad, but in any event is unclear.
22 Plaintiff should review his medical records to determine the proper name for this defendant. If
23 Dr. Ahmed Mahmoud, license no. A 785611, is the proper defendant, plaintiff must provide the
24 doctor’s current address for the U.S. Marshal to accomplish service.² If plaintiff intended to have

25 ¹ The California Department of Consumer Affairs shows a current California medical license no.
26 A 785611 for Ahmed Mahmoud, physician and surgeon, with this Pine Meadow Circle address,
27 and stating his medical license expires on June 30, 2021. <search.dca.ca.gov.>

28 ² In addition to reviewing his medical records plaintiff may seek such information through
discovery, the California Public Records Act, Calif. Gov’t. Code § § 6250, et seq., or other means

1 Dr. Mahmoud re-served at the French Camp address, he must complete the carbonized USM-285
2 form clearly providing the current address for service of process. Plaintiff is not required to
3 submit a copy of his pleading inasmuch as the court retained the earlier provided copy.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Clerk of the Court is directed to send to plaintiff one USM-285 forms, along with
6 an instruction sheet; and
- 7 2. Within sixty days from the date of this order, plaintiff shall complete and submit the
8 attached Notice of Submission of Documents to the court, with one completed USM-285 form for
9 defendant Mahmoud.

10 Dated: November 30, 2020

11

12 /john1313.8e(3)

13

14

15

16

17

18

19

20

21

22

23

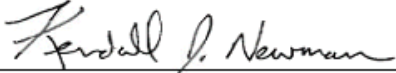
24

25

26

27

28 available to plaintiff.


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,
Plaintiff,
v.
J.A. BEARD, et al.,
Defendants.

No. 2:15-cv-1313 TLN KJN P

NOTICE OF SUBMISSION OF
DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's order
filed _____ :
_____ completed USM-285 form

DATED:

Plaintiff