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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS E. OLIVER,
Plaintiff,
v.
OFFICER PFEIFFER, et al.,
Defendants.

No. 2:15-cv-1980-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983.¹ On March 16, 2017, the court informed him that the United States Marshal had returned process directed to defendant Sanchez, noting that additional information was required in order to effect service. ECF No. 30. Therefore, on March 16, 2017, and again on May 4, 2017, the court instructed plaintiff to provide additional information within 30 days. ECF Nos. 30, 31. The court warned plaintiff that he must proceed with haste because Rule 4(m) of the Federal Rules of Civil Procedure would require dismissal of the entire action, given that Sanchez is the sole defendant,² if Sanchez was not served within 90 days after filing the complaint. The court further instructed that if plaintiff’s access to additional information was unreasonably denied or

¹ This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* E.D. Cal. Local Rules, Appx. A, at (k)(4).

² All other claims and defendants were dismissed. *See* ECF No. 22.

1 delayed, he could seek judicial intervention. The time for acting has passed and plaintiff has not
2 submitted new instructions for service of process, requested judicial intervention, or otherwise
3 responded to the court's orders.

4 Plaintiff has had three opportunities to submit information about where defendant Sanchez
5 can be served, and has been warned that Rule 4(m) of the Federal Rules of Civil Procedure
6 requires that service of process be effected within 90 days of the filing of the complaint absent a
7 showing of good cause. The time for serving defendant Sanchez has expired and plaintiff has
8 failed to demonstrate the requisite good cause to avoid dismissal under Rule 4(m).

9 Accordingly, it is hereby ORDERED that this action is dismissed without prejudice, as
10 Sanchez is the sole remaining defendant in this case. *See* Fed. R. Civ. P. 4(m).

11 DATED: June 8, 2017.

12 
13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE

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