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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENE E. EVANS,  
Plaintiff,  
v.  
K. LASSITER, *et al.*,  
Defendants.

Case No. 2:16-cv-1997-JAM-JDP (PC)  
ORDER DIRECTING PLAINTIFF TO  
PROVIDE TO PROVIDE ADDITIONAL  
INFORMATION TO EFFECT SERVICE ON  
DEFENDANT BJORSON

The court previously determined that service of the fourth amended complaint is appropriate for defendant B. Bjorson and ordered plaintiff to provide: information for service of process on form USM-285, a completed summons, sufficient copies of the fourth amended complaint for service, and a notice of compliance. Plaintiff timely submitted the required documents. However, process directed to defendant B. Bjorson was returned unserved because “CDCR [was] unable to accept service.”<sup>1</sup> ECF No. 52. A letter attached to the proof of service explains that Bjorson is not employed by CDCR. *Id.* at 2.

Under Rule 4(m) of the Federal Rules of Civil Procures, an action must be dismissed as to a defendant not served within 90 days of the date the complaint is filed unless there is good cause

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<sup>1</sup> The USM-285 form plaintiff submitted did not provide an address for Bjorson. Instead, it merely indicated that Bjorson is employed by California Department of Corrections and Rehabilitation. *See* ECF No. 54 at 1. Accordingly, the U.S. Marshal attempted to serve Bjorson by providing CDCR with a copy of the summons and fourth amended complaint.

1 to extend the time for completing service. If plaintiff wishes to pursue his claims against Bjorson,  
2 he must inform the court how to locate him. Accordingly, plaintiff shall seek such information  
3 through discovery, the California Public Records Act, Calif. Gov't. Code §§ 6250, *et seq.*, or  
4 other means available to him. If access to the required information is denied or unreasonably  
5 delayed, plaintiff may seek judicial intervention.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Clerk of the Court is directed to send to plaintiff one USM-285 form, along with  
8 an instruction sheet and a copy of the amended complaint filed June 27, 2019.

9 2. Within sixty days from the date of this order, plaintiff shall complete and submit the  
10 attached Notice of Submission of Documents to the court, with the following documents:

- 11 a. One completed USM-285 form for defendant Bjorson;  
12 b. Two copies of the endorsed complaint filed June 27, 2019; and  
13 c. One completed summons form (if not previously provided) or show good cause  
14 why he cannot provide such information.

15 3. Failure to comply with this order will result in a recommendation that defendant  
16 Bjorson be dismissed for failure to effect service in the time prescribed by Rule 4(m).

17 IT IS SO ORDERED.  
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19 Dated: October 21, 2021

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21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENE E. EVANS,  
Plaintiff,  
v.  
K. LASSITER, *et al.*,  
Defendants.

Case No. 2:16-cv-01997-JAM-JDP (PC)  
  
NOTICE OF SUBMISSION OF  
DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's order  
filed \_\_\_\_\_ :  
\_\_\_\_\_ completed summons form  
  1   completed USM-285 forms  
  2   copies of the   June 27, 2019    
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff