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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IMMANUEL CHRISTIAN PRICE,
Plaintiff,
v.
LAMB, et al.,
Defendants.

No. 2:17-cv-0099 KJN P

ORDER

Plaintiff is a prisoner, proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

On March 24, 2017, the court ordered the United States Marshal to serve the complaint on defendants. Service of process on defendant Lamb has been executed, but Lamb has not yet formally appeared in this action. Process directed to defendant Ramirez was returned unserved because “defendant did not work for them in any capacity at that time.” (ECF No. 17 at 1.)

On April 20, 2017, plaintiff filed a request for expedited discovery to accurately name the individual RN plaintiff apparently misnamed as Ramirez in the complaint. In his request, he cites certain forms he claims will contain such information. Plaintiff is advised that he must wait until defendant Lamb formally appears in this action. At that time, plaintiff may seek discovery of such information from defendant Lamb. Therefore, plaintiff’s request is denied as premature.

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1 By separate order, this case will be referred to the ADR pilot project and stayed pending
2 settlement negotiations.¹ Therefore, the court will provide plaintiff with a new USM-285 form
3 for completion once he identifies the other defendant, but will not yet set a deadline by which
4 plaintiff must substitute the properly-named individual. If plaintiff obtains the proper name of the
5 individual, he should inform the court, if appropriate, once the stay is lifted.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's request (ECF No. 18) is denied without prejudice; and
- 8 2. The Clerk of the Court is directed to send to plaintiff one USM-285 form, along with
9 an instruction sheet and a copy of the complaint filed January 17, 2017;

10 Dated: May 12, 2017

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12 _____
13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Of course, plaintiff may also request such information from defendant's counsel during such
28 settlement discussions.