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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,
Plaintiff,
v.
JAMES A. WILLIAMS,
Defendant.

No. 2:17-cv-01490-JAM-GGH

ORDER

Plaintiff appears pro se in this action brought under 42 U.S.C. section 1983. On July 24, 2017 the court issued an Order permitting service on the named defendant and directing the Clerk’s Office to issue summons to plaintiff who was, in turn, to complete the summons to reflect the service address of defendant and to forward it to the U.S. Marshal for service. ECF No. 3. In that order the court found that the Complaint filed facially states a claim under Bivens v. Six Unknown Agents, etc., 403 U.S. 388 (1971), or, in the alternative, 42 U.S. section 1983, and that service on the named defendant was proper.

That summons was returned by the Marshal after attempted service unexecuted as the waiver packet served was noted to have named an “unknown person” and was “not deliverable as addressed,” and “unable to forward.” ECF No. 6.

On September 13, 2017 plaintiff filed a motion for issuance of an alias summons to effect service on defendant. ECF No. 7. In his moving papers, plaintiff disclosed defendant’s working

1 addresses at the Sacramento Sheriff's Department, 711 G Street, Sacramento and the High Tech
2 Crime Training Project, 1900 Point West Way, Suite 275, Sacramento. Id. Plaintiff also pointed
3 out that there was an error in ECF No. 3 insofar as defendant was erroneously identified as James
4 L. Williams, rather than James A. Williams, which is his correct name. The court has determined
5 that the correct service address is FBI Sacramento High-Tech Crime Unit, 2001 Freedom Way,
6 Roseville, CA 95678.

7 In light of the foregoing IT IS HEREBY ORDERED THAT:

8 1. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
9 directed to serve within ninety days of the date of this order, all process pursuant to Federal Rule
10 of Civil Procedure 4, including a copy of the complaint, an appropriate form for consent to trial
11 by a magistrate judge, and this court's status order;

12 2. The Clerk of the Court shall send plaintiff a USM-285 form for the named
13 defendant, and a summons, a copy of the complaint, the appropriate forms for consent to trial by
14 magistrate judge, and a copy of this court's status order;

15 3. The plaintiff is directed to supply the U.S. Marshal, within 14 days from the date
16 this order is filed, all information needed by the Marshal to effect service of process, and shall file
17 a statement with the court that said documents have been submitted to the United States Marshal.
18 The court anticipates that, to effect service, the U.S. Marshal will require at least,

- 19 a. One completed summons for the defendant;
- 20 b. One completed USM-285 form for the defendant;
- 21 c. One copy of the endorsed filed complaint for the defendant, with an extra
22 copy for the U.S. Marshal;
- 23 d. One copy of this court's status order for the defendant; and
- 24 e. One copy of the instant order for the defendant.

25 4. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate
26 service on any defendant within 90 days from the date of this order, the Marshal is directed to
27 report that fact, and the reasons for it, to the undersigned.

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