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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

XAVIER GONZALES, et al.,)	No. C 08-05042 JW (PR)
)	
Plaintiffs,)	ORDER DIRECTING CLERK TO
)	REISSUE SUMMONS FOR
vs.)	DEFENDANT NEOTTI; DIRECTING
)	DEFENDANT TO FILE DISPOSITIVE
BEST, et al.,)	MOTION OR NOTICE REGARDING
)	SUCH MOTION; INSTRUCTIONS TO
Defendants.)	CLERK
)	
_____)	

Plaintiff, a California prisoner at Salinas Valley State Prison (“SVSP”) proceeding pro se, filed this 42 U.S.C. § 1983 civil rights action against SVSP officials. On April 29, 2009, the Court directed the clerk to prepare the summons for service of the complaint upon Defendants and the United States Marshal to effectuate such service. On May 11, 2009, the Marshal returned the summons unexecuted as to Defendant G. A. Neotti who was no longer at the facility. (See Docket No. 9.) On August 25, 2009, the Court requested the Litigation Coordinator of SVSP to provide forwarding information for Defendant G. A. Neotti if available. The Litigation Coordinator at SVSP has informed that Court that this Defendant was transferred to another facility. Accordingly, the Court will reissue summons to Defendant Neotti.

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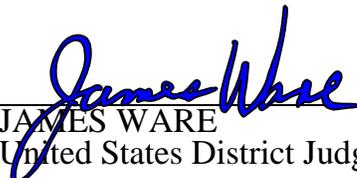
CONCLUSION

For the foregoing reasons, the Court orders as follows:

1. The Clerk of the Court shall reissue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the complaint in this matter, all attachments thereto, a copy of the Court Order filed April 29, 2009, (Docket No. 4), and a copy of this order upon **Defendant G. A. Neotti at Richard J. Donovan State Prison, 480 Alta Toad, San Diego, CA 92179**. The Clerk shall also mail a courtesy copy of this order to the California Attorney General's Office.

2. Defendant shall file a motion for summary judgment or other dispositive motion with respect to the claims in the complaint found to be cognizable, and briefing shall proceed thereafter, in accordance with the schedule and instructions set forth in the Court's Order of Service, filed April 29, 2009.

DATED: September 8, 2009



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

XAVIER GONZALES,
Plaintiff,

Case Number: CV08-05042 JW

CERTIFICATE OF SERVICE

v.

BEST, et al.,

Defendants.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/8/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Xavier Gonzales K-52990
Salinas Valley State Prison
P. O. Box 1050
Soledad, Ca 93960-1060

Dated: 9/8/2009

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk