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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 MANUEL LOPEZ,

No. C 09-3869 SI (pr)

9 Plaintiff,

**ORDER REGARDING UNSERVED  
DEFENDANT AND EXTENDING  
DEADLINES**

10 v.

11 A. VINDIOLA, correctional officer;  
12 S. RODRIGUEZ, correctional officer,

13 Defendants.  
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14  
15 There is a service of process problem in this action. The court ordered service of process  
16 on the defendants Vindiola and Rodriguez at Salinas Valley State Prison, where plaintiff had  
17 identified them as working. Defendant Vindiola has appeared in this action, but defendant  
18 Rodriguez has not. The Marshal's representative has informed the court via the process receipt  
19 and return form (docket # 15) that he could not locate defendant Rodriguez to serve process on  
20 him/her with the information provided. The Marshal's representative's notes state that someone  
21 at Salinas Valley told him that S. Rodriguez had moved to Kern Valley State Prison, but  
22 someone at Kern Valley State Prison told him that the reference was probably to Stephanie  
23 Rodriguez, and that she did not work at Kern Valley. No later than **November 5, 2010**, plaintiff  
24 must provide a current location at which defendant S. Rodriguez can be found to be served with  
25 process. Plaintiff may, for example, write to the Salinas Valley litigation coordinator, the  
26 Salinas Valley personnel office, and the CDCR's personnel office to attempt to learn the current  
27 whereabouts of this defendant as well as his/her full name. If plaintiff does not provide  
28 information so that another attempt at service of process can be made, the unserved defendant  
will be dismissed without prejudice.

1 Defendant Vindiola filed an ex parte request for a ninety-day extension of time to file a  
2 dispositive motion. Upon due consideration of the request and the accompanying declaration  
3 of attorney Damon McClain, the court GRANTS the request. (Docket # 12.) The court now  
4 sets the following new briefing schedule for dispositive motions, which extends the deadlines  
5 longer than defendant requested so that there will be time afforded to find the unserved  
6 defendant:

7 1. Defendants must file and serve their dispositive motion no later than  
8 **December 10, 2010.**

9 2. Plaintiff must file and serve on defense counsel his opposition to the dispositive  
10 motion no later than **January 14, 2011.**

11 3. Defendants must file and serve their reply brief (if any) no later than  
12 **January 28, 2011.**

13 IT IS SO ORDERED.

14 Dated: September 2, 2010

  
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SUSAN ILLSTON  
United States District Judge