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United States District Court
For the Northern District of California

E-Filed 11/23/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANIEL RODRIGUEZ,

No. C 10-4036 RS (PR)

Plaintiff,

**ORDER RE: INSTRUCTIONS TO
PLAINTIFF**

v.

INSTRUCTIONS TO CLERK

J. AGUIRRE, et al.,

Defendants.

_____ /
This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* former state prisoner. The complaint remains unserved because, as defendants' attorney has stated, "there is no Deputy J. Aguirre or even a Deputy Aguirre working at the San Francisco Sheriff's Department, nor is there a Sheriff's Deputy with Star #100." The other defendants remain unserved because plaintiff has not provided their names to the Court.

Plaintiff must effectuate proper service of the summons and the complaint on defendants within 30 days from the date this order is filed, or the action will be dismissed, without further notice to plaintiff, for failure to prosecute under Federal Rule of Civil Procedure ("FRCP") 41. Plaintiff was out of custody when this action was

filed. Accordingly, he, not the federal marshals, must effect summons. Plaintiff must locate

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ORDER RE: SERVICE OF COMPLAINT

1 and serve defendants with the summons and a copy of the complaint. The Clerk shall mail
2 plaintiff four summons forms. Once plaintiff has received these forms, he shall then fill in
3 the appropriate names and addresses on the form and effect service of the complaint on
4 defendants with the summons form. If service has been properly effected, plaintiff shall file
5 with this Court **within 30 days of this order** an affidavit attesting that service has been
6 effected in compliance with FRCP 4. *See* FRCP 4(l). Failure to provide the Court with this
7 information within 30 days from the date this order is filed will result in dismissal of the
8 action for failure to prosecute and without further notice to plaintiff. The Court reminds
9 plaintiff that “[o]nly persons who are not parties to the action, and who are over the age of
10 18, are allowed to serve process.” FRCP 4(c).

11 **IT IS SO ORDERED.**

12 DATED: November 23, 2011


13 RICHARD SEEBORG
14 United States District Judge