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

DAVID MAURICE GOMEZ,

Plaintiff,

v.

A. HEDGEPEETH, et al.,

Defendants.

No. C-11-3784 TEH (PR)

ORDER DENYING PLAINTIFF'S
REQUEST FOR APPOINTMENT OF
COUNSEL AND GRANTING IN PART
PLAINTIFF'S REQUEST TO LOCATE
DEFENDANTS

Doc. ## 19, 20

Plaintiff's request for appointment of counsel under 28 U.S.C. § 1915 (Doc. #19) is DENIED for lack of exceptional circumstances. See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). The court will consider appointment of counsel on its own motion, and seek volunteer counsel to agree to represent plaintiff pro bono, if it determines at a later time in the proceedings that appointment of counsel is warranted.

Plaintiff has also notified the Court that defendant Tyler is deceased and requests that the Court locate and serve defendants Post and Kittimongcolporn. Doc. #20. Plaintiff's request is GRANTED IN PART AND DENIED IN PART. Defendants are ordered to file a status report with the Court by August 10, 2012, indicating

1 whether defendant Tyler is deceased and explain why defendant Tyler
2 appears to have been served with the Complaint. See, e.g., Doc. #12
3 (Notice and Acknowledge of Receipt of Complaint, Summons and Order
4 of Service by defendant Tyler). With regard to Plaintiff's request
5 that the Court locate and serve defendants Post and
6 Kittimongcolporn, Plaintiff is reminded that it is ultimately
7 Plaintiff's responsibility to provide sufficient information to
8 allow the Marshal to locate and serve defendants.

9 However, in light of Plaintiff's status in administrative
10 segregation and in the interest of expediting proceedings, the Clerk
11 of the Court shall send a copy of this order to the Litigation
12 Coordinator at Salinas Valley State Prison, who is requested to
13 provide to the Court, under seal, any forwarding address information
14 and last known address that is available with respect to Drs. Post
15 and Kittimongcolporn within thirty days from the filing date of this
16 order. Upon receipt of such information, the Court will order the
17 Marshal to serve defendants Drs. Post and Kittimongcolporn at the
18 provided addresses. If no further information is available from the
19 Litigation Coordinator, defendants Drs. Post and Kittimongcolporn
20 will be dismissed without prejudice pursuant to Rule 4(m) of the
21 Federal Rules of Civil Procedure.

22 IT IS SO ORDERED.

23
24 DATED 08/02/2012



THELTON E. HENDERSON
United States District Judge

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