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

KEVIN R. SCHRUBB,
Plaintiff,

vs.

A.S. LOPEZ; M. BRYANT,
Defendants.

) No. C 12-0418 JSW (PR)

) **ORDER DENYING MOTION TO**
) **DIRECT WARDEN; EXTENDING**
) **TIME FOR PLAINTIFF TO SERVE**
) **DEFENDANTS OR PROVIDE COURT**
) **WITH LOCATION INFORMATION**
) **FOR UNSERVED DEFENDANTS**

Plaintiff, an California prisoner, filed a pro se civil rights complaint under 42 U.S.C. 1983 against two officials of Pelican Bay State Prison (“PBSP”). Because the Marshal could not serve Defendants at PBSP, where Plaintiff had indicated that they were located, Plaintiff was directed to either effect service on Defendants himself or submit to the Court sufficient information to identify and locate them such that the Marshal is able to effect service upon them. Plaintiff was cautioned that if he did not do so on or before May 26, 2012, this case would be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.


Plaintiff has filed a motion for the Court to order the Warden of PBSP to provide the Court with the location of the Defendants. The Warden cannot be ordered to do so because he or she is not a party to this lawsuit. Consequently, Plaintiff’s motion (docket number 11) is DENIED. Plaintiff will be granted an extension of time, however, to and

1 including **August 1, 2012**, in which to either serve Defendants himself or provide the
2 Court with their current location. Plaintiff has indicated that he has requested this
3 information from the PBSP Warden, but he has received no response. PBSP officials,
4 including the Warden and the Litigation Coordinator, may not prevent Plaintiff from
5 obtaining this information, and to the extent reasonably practicable they may assist him in
6 obtaining it.

7 Plaintiff is cautioned that if he fails to comply with this order, or to show cause
8 why he cannot, this case will be dismissed without prejudice pursuant to Rule 4(m) of the
9 Federal Rules of Civil Procedure.

10 IT IS SO ORDERED.

11 DATED: June 19, 2012

12 
13 _____
JEFFREY S. WHITE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 KEVIN R. SCHRUBB,
6 Plaintiff,
7

Case Number: CV12-00418 JSW

CERTIFICATE OF SERVICE

8 v.

9 A.S. LOPEZ et al,
10 Defendant.
_____ /

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

13 That on June 19, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Kevin R. Schrubbs V-55932
18 Salinas Valley State Prison
19 P.O. Box 1050
Soledad, CA 93960-1050

20 Dated: June 19, 2012



21 Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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