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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 INSTRUCTING CLERK TO**  
) **ISSUE SUBPOENAS; EXTENDING**  
) **TIME FOR PLAINTIFF TO SERVE**  
) **DEFENDANTS OR PROVIDE COURT**  
) **WITH LOCATION INFORMATION**  
) **FOR UNSERVED DEFENDANTS**

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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 August 1, 2012, this case would be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Plaintiff has notified the Court that he has attempted to locate the Defendants. Specifically, he has requested this information from the PBSP Warden, the PBSP Litigation Coordinator, the State of California Personnel Board, the Secretary of the California Department of Corrections and Rehabilitation (“CDCR”), and the Office of


1 Legal Affairs Division of the CDCR. The only response he received was from the State  
2 Personnel Board denying his request. He requests that the Clerk of Court issue subpoenas  
3 to the PBSP Warden, the CDCR Secretary and the State Personnel Board for information  
4 as to the whereabouts of Defendants. Good cause appearing, and pursuant to Federal  
5 Rules of Civil Procedure 34(c) and 45(a)(3), the Clerk of Court shall forthwith issue three  
6 signed but otherwise blank subpoenas to Plaintiff. Plaintiff shall forthwith complete the  
7 subpoenas and serve them upon the PBSP Warden, the CDCR Secretary and the State  
8 Personnel Board in accordance with the requirements of Rule 45.

9 Plaintiff will be granted a further extension of time, to and including **October 1,**  
10 **2012**, in which to either provide the Court with Defendants' current location or serve the  
11 summons and complaint in this matter upon Defendants himself. As noted previously,  
12 PBSP officials, including the Warden and the Litigation Coordinator, may not prevent  
13 Plaintiff from obtaining the information he needs, and to the extent reasonably practicable  
14 they shall assist him in obtaining it.

15 Plaintiff is cautioned that if he fails to comply with this order, or to show cause  
16 why he cannot, this case will be dismissed without prejudice pursuant to Rule 4(m) of the  
17 Federal Rules of Civil Procedure. Plaintiff's failure to properly complete and serve the  
18 subpoenas in accordance with Rule 45 will not constitute good cause for his failure to  
19 obtain and provide the Court with the Defendants' locations in a timely manner.

20 IT IS SO ORDERED.

21 DATED: 08/21/2012

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24 JEFFREY S. WHITE  
25 United States District Judge  
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