

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY CASSANO,

Plaintiff,

No. C 12-05144 WHA

v.

M. JOHNSON and W. ROGERS,

Defendants.

**ORDER RE SERVICE
ON M. JOHNSON AND
DEFENDANTS' DEADLINES
FOR DISPOSITIVE MOTIONS**

As stated in the order filed on December 4, 2013 (Dkt. No. 36), plaintiff Gary Cassano — proceeding *pro se* at that time — was required to submit sufficient information to locate defendant “M. Johnson,” such that the United States Marshal could effect service upon him. The order stated: “If plaintiff fails to do so or to show cause why he cannot, and the Marshal’s second attempt to serve defendant Johnson at Pleasant Valley State Prison fails, plaintiff’s claims will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.”

Plaintiff has since submitted two letters, reporting that prison officials have not given him any information about defendant Johnson’s present location (Dkt. Nos. 38, 41). On January 7, 2014, a summons was returned unexecuted as to defendant Johnson. Attorneys James Martinez and H.F. Layton then filed a notice of appearance on plaintiff’s behalf. In a letter dated April 4, 2014, plaintiff’s counsel explained that they learned defendant Johnson’s real name (*i.e.*, “Marcus D. Johnson”), and that they believe he “is now employed at the Folsom State Prison, 300 Prison Road, Represa, California 95671 . . .” (Dkt. No. 48).


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, plaintiff's counsel shall serve a copy of the complaint with all attachments thereto, a copy of the order of service (Dkt. No. 7), and a copy of this order upon defendant Marcus D. Johnson at the above address. This service must be done by **MAY 5, 2014**. Defendant Johnson must then file an answer in accordance with the Federal Rules of Civil Procedure.

To expedite the resolution of this action, the following deadlines amend the December 4 order and the March 14 order (Dkt. No. 45) to the extent stated. Defendants Johnson and W. Rogers will file any motion for summary judgment or other dispositive motion by **AUGUST 25, 2014**. If defendants are of the opinion that this case cannot be resolved by summary judgment, they shall inform the undersigned judge prior to the date that the summary judgment motion is due. All papers filed with the court must be promptly served on plaintiff. Any opposition by plaintiff to such a dispositive motion will then be filed and served upon defendants by no later than **28 DAYS** from the date of service of the motion. Defendants will then file a reply brief, if any, by no later than **14 DAYS** after the date of service of the opposition.

IT IS SO ORDERED.

Dated: April 7, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE