

United States District Court
For the Northern District of California

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

THOMAS EUGENE MOORE,)
)
 Plaintiff,)
)
 v.)
)
 BROWN & WILLIAMSON TOBACCO,)
 CORPORATION, et al.,)
)
 Defendants.)
)

No. C 06-2150 SBA (PR)

**ORDER DENYING PLAINTIFF'S
MOTION REQUESTING THE CLERK
TO ISSUE SUMMONS AND THE
UNITED STATES MARSHAL TO SERVE
SUMMONS AND COMPLAINT UPON
DEFENDANTS**

Plaintiff Thomas Eugene Moore, a state prisoner currently incarcerated at Pelican Bay State Prison, filed this civil action in the Monterey County Superior Court, Moore v. Brown & Williamson Tobacco, Corp., et al., Case No. M76478, alleging various claims, including civil rights violations, arising from Plaintiff's use of tobacco products while incarcerated at Salinas Valley State Prison (SVSP) from June 19, 2001 to July 1, 2005. Plaintiff named as Defendants the following corporations: Lane Limited (LL) and Brown & Williamson Tobacco Corporation (B&W), the alleged tobacco manufacturers; as well as Access SecurePak (Access), the alleged retailer of the tobacco products Plaintiff used. Plaintiff has also named as Defendants various prison officials, who purportedly participated in the supply of tobacco and the denial of Plaintiff's administrative claims, including: SVSP Warden Mike Evans; SVSP Canteen Manager E. Beza; SVSP Procurement Services Officer B. Schneider; SVSP Chief of Inmate Appeals N. Grannis; SVSP Appeals Coordinator S. Gomez; SVSP Correctional Lieutenant C. Blackstone; SVSP Physicians I. Grillo and R. Gibbs; and California Department of Corrections and Rehabilitation (CDCR) Director Jeanne Woodford.

Before the Court is Plaintiff's motion requesting the Clerk of the Court to issue summons and the U.S. Marshal to serve the summons and complaint upon Defendants (docket no. 45).

In an Order dated November 10, 2008, the Court denied Plaintiff's application for in forma pauperis status and dismissed the complaint with leave to amend. The Court dismissed Plaintiff's claim against Defendants Access relating to his use of tobacco products as well as his claims against

1 Defendants Grannis, Blackstone and Gomez relating to the grievance process. All remaining claims
2 were dismissed with leave to amend. The Court also found that Plaintiff was responsible for
3 effecting service on Defendants B&W and LL as well as on the remaining prison officials who were
4 named as Defendants because his IFP application had been denied. Accordingly, Plaintiff's motion
5 requesting the Clerk of the Court to issue summons and the U.S. Marshal to serve the summons and
6 complaint upon Defendants (docket no. 45) is DENIED. Plaintiff must follow the procedures to
7 properly serve the aforementioned Defendants outlined in the Court's November 10, 2008 Order. He
8 must also abide by the deadlines previously set in the Court's November 10, 2008 Order. Because
9 this case has been pending for almost three years, **no further extensions of time will be granted in**
10 **this case absent exigent circumstances.**

11 This Order terminates Docket no. 45.

12 IT IS SO ORDERED.

13 DATED: 11/14/08

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15 SAUNDRA BROWN ARMSTRONG
16 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MOORE et al,

5 Plaintiff,

6 v.

7 BROWN & WILLIAMSON TOBACCO,
8 CORPORATION et al,

9 Defendant.

Case Number: CV06-02150 SBA

CERTIFICATE OF SERVICE

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

12 That on November 17, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Thomas Eugene Moore D-62389
17 Pelican Bay State Prison
18 P.O. Box 7500
19 Crescent City, CA 95532

20 Dated: November 17, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk