

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

LEONARD A. HASKINS,
Plaintiff,
v.
ROBERT AYERS, JR., et al.,
Defendants.

No. C 08-02226 CW (PR)
ORDER DISMISSING WITHOUT
PREJUDICE CLAIMS AGAINST
DEFENDANT J. RICHARD MENDIUS,
M.D.

United States District Court
For the Northern District of California

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Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. The Court issued an Order of Service.

Defendant J. Richard Mendius, M.D. has not been served in this action. The Court has been informed that the litigation coordinator at San Quentin State Prison has been unable to locate Defendant Mendius at his last known address.

As Plaintiff is proceeding in forma pauperis (IFP), he is responsible for providing the Court with current addresses for all Defendants so that service can be accomplished. See Walker v. Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994); Sellers v. United States, 902 F.2d 598, 603 (7th Cir. 1990).

Pursuant to Federal Rule of Civil Procedure 4(m), if a complaint is not served within 120 days from the filing of the complaint, it may be dismissed without prejudice for failure of service. When advised of a problem accomplishing service, a pro se litigant proceeding IFP must "attempt to remedy any apparent defects of which [he] has knowledge." Rochon v. Dawson, 828 F.2d

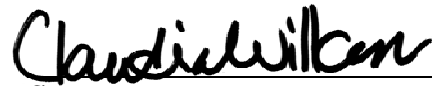
1 1107, 1110 (5th Cir. 1987). If the marshal is unable to effectuate
2 service through no fault of his own, e.g., because the plaintiff
3 failed to provide sufficient information, the plaintiff must seek
4 to remedy the situation or face dismissal. See Walker, 14 F.3d at
5 1421-22 (prisoner failed to show cause why prison official should
6 not be dismissed under Rule 4(m) because prisoner did not prove
7 that he provided marshal with sufficient information to serve
8 official or that he requested that official be served).

9 In an Order dated February 9, 2010, the Court informed
10 Plaintiff the service had been ineffective on Defendant Mendius and
11 directed Plaintiff to provide the Court with "a current address,
12 necessary to locate Defendant Mendius" within thirty days of the
13 Order. Thirty days have passed, and Plaintiff has failed to
14 provide the Court with the aforementioned required information.

15 Accordingly, all claims against Defendant Mendius are
16 DISMISSED without prejudice under Rule 4(m).

17 IT IS SO ORDERED.

18 Dated: 1/25/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 LEONARD A HASKINS,

5 Plaintiff,

6 v.

7 ROBERT AYERS JR et al,

8 Defendant.

Case Number: CV08-02226 CW

CERTIFICATE OF SERVICE

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

11 That on January 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Leonard A. Haskins
16 800 Main St., Apt. #207
17 Redwood City, CA 94063

Dated: January 25, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk