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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAMOS WAYNE STURGIS,  
Plaintiff,  
v.  
SAN PABLO POLICE OFFICER  
ROBERT BRADY, et al.,  
Defendants.

Case No. [08-cv-05363-SBA](#) (PR)

**ORDER DIRECTING PLAINTIFF  
TO PROVIDE REQUIRED  
INFORMATION NECESSARY TO  
LOCATE DEFENDANTS  
LAFAYETTE AND MCDEVITT**

(Dkt. 35)

Plaintiff filed the instant pro se civil rights complaint under 42 U.S.C. § 1983. The Court issued an Order serving the cognizable claims against Defendants. The Clerk of the Court mailed a packet -- containing a Notice of Lawsuit, a Request for Waiver of Service of Summons as well as the complaint -- to each Defendant at the San Pablo Police Department. However, the Court has been informed that Defendants Lafayette and McDevitt “are not and have never been San Pablo Police Department employees.” (Dkt. 35.) As such, service has been ineffective on these two Defendants.

Although a plaintiff who is proceeding *in forma pauperis* may rely on the Court to serve the named defendants, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987).

Here, Plaintiff's complaint has been pending for over 120 days, and thus, absent a showing of “good cause,” his claims against Defendants Lafayette and McDevitt are subject to dismissal without prejudice. See Fed. R. Civ. P. 4(m). Service has been

1 attempted and has failed with respect to Defendants Lafayette and McDevitt. As an  
2 alternative to dismissal, the Court orders Plaintiff to provide additional information as to  
3 these Defendants in order to effectuate service.

4 IT IS HEREBY ORDERED THAT within **twenty-eight (28) days** of the date of  
5 this Order is filed, Plaintiff shall provide the Court with the required information necessary  
6 to locate each of these Defendants, including their full names and addresses. Plaintiff  
7 should review the federal discovery rules, i.e., Rules 26-37 of the Federal Rules of Civil  
8 Procedure, for guidance about how to obtain the required information necessary to locate  
9 these Defendants. Failure to do so shall result in the dismissal of all claims against these  
10 Defendants. If Plaintiff provides the Court with aforementioned required information,  
11 service shall again be attempted. If service fails a second time, all claims against these  
12 Defendants shall be dismissed.

13 IT IS SO ORDERED.

14 Dated: August 12, 2014

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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