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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 CLERK TO  
SERVE DEFENDANTS NEES AND  
PARRILLA**

This is a prisoner civil rights action brought under 42 U.S.C. § 1983. Plaintiff alleges that in connection with his arrest on December 6, 2007, he was subjected to excessive force and deliberate indifference to serious medical needs, in violation of his constitutional rights. At Plaintiff’s request, the Court previously stayed (and administratively closed) the action pending the resolution of his then pending criminal proceeding. Dkt. 10. Upon notification that the criminal matter had been resolved, the Court reopened the action. Dkt. 22.

On July 23, 2014, the Court ordered service of the Second Amended Complaint (“SAC”) as to San Pablo Police Officers Robert Brady and “Neece Lafayette,” Contra Costa County Sheriff’s Deputy Brian McDevitt, and the City of San Pablo. Dkt. 26. The Court dismissed Plaintiff’s claims against Contra Costa County Sheriff’s Deputy Parrilla as a result of Plaintiff’s failure to allege facts sufficient to state a claim. The dismissal was without prejudice to Plaintiff amending his SAC to link this Defendant to his claims.

Subsequent to the Court’s Order of Service, the Court was informed that Defendant “Neece Lafayette” is neither an employee of the San Pablo Police Department nor the Contra Costa County Sheriff’s Department. Dkt. 35, 47. As a result, on August 13, 2014, Plaintiff was ordered to provide the Court with the requisite information necessary to locate Defendant “Neece Lafayette,” including his or her full name and address. Dkt. 42. In response to the Court’s Order, Plaintiff clarified that Defendant “Neece Lafayette” is, in

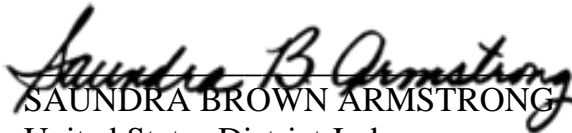
1 fact, San Pablo Police Officer David Nees. Plaintiff provided two addresses for this  
2 Defendant: San Pablo Police Department, 13831 San Pablo Ave., San Pablo, CA 94806;  
3 and Contra County Sheriff's Office, 1980 Muir Rd., Martinez, CA 94553. Dkt. 45 at 3, 5,  
4 7. The Clerk of the Court shall therefore reissue service on Defendant Nees at both  
5 addresses. If service fails a second time, all claims against this Defendant shall be  
6 dismissed without prejudice.

7 In his response to the Court's August 13, 2014 Order, Plaintiff has also provided  
8 additional facts linking Defendant Parrilla to the claims of excessive force and deliberate  
9 indifference to serious medical needs. Dkt. 45 at 1, 5. As such, the Court deems  
10 Plaintiff's response to be an amendment to the SAC, in which he now links Defendant  
11 Parrilla to the aforementioned claims. Thus, the Court finds that Plaintiff has stated  
12 cognizable claims against Defendant Parrilla. Plaintiff has also provided the following  
13 information, which the Clerk may use to serve this Defendant: Defendant Contra Costa  
14 County Sheriff's Deputy Parrilla AKA "Zar Watts," Contra County Sheriff's Office, 1980  
15 Muir Rd., Martinez, CA 94553. Dkt. 45 at 7. Accordingly,

16 IT IS HEREBY ORDERED THAT the Clerk shall mail a Notice of Lawsuit and  
17 Request for Waiver of Service of Summons, two copies of the Waiver of Service of  
18 Summons, a copy of the SAC and all attachments thereto (dkt. 23), a copy of Plaintiff's  
19 response to the Court's August 13, 2014 Order (dkt. 45), and copies of the Court's July 23,  
20 2014 Order (dkt. 26) as well as this Order to Defendants Nees and Parrilla/"Zar Watts" at  
21 the addresses indicated above.

22 IT IS SO ORDERED.

23 Dated: January 7, 2015

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAMOS WAYNE STURGIS,  
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v.  
ROBERT BRADY, et al.,  
Defendants.

Case No. 08-cv-05363-SBA

**CERTIFICATE OF SERVICE**

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

That on 1/7/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lamos Wayne Sturgis ID: CC14GS419  
Contra Costa County Jail - Martinez Detention Facility D-Module #13  
901 Court Street  
Martinez, CA 94553

Dated: 1/7/2015

Richard W. Wieking  
Clerk, United States District Court

By: \_\_\_\_\_  
Nikki D. Riley, Deputy Clerk to the  
Honorable SAUNDRA BROWN ARMSTRONG