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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4

5 BERNARD HAMILTON,

No. C 09-00648 CW (PR)

6 Plaintiff,

ORDER DIRECTING PLAINTIFF TO  
PROVIDE CURRENT ADDRESS  
NECESSARY TO LOCATE DEFENDANT  
C. DOLE

7 v.

8 G. THOMSON, et al.,

9 Defendants.  
10 \_\_\_\_\_/

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

14 Service has been ineffective on Defendant C. Dole because he  
15 is no longer employed by San Quentin State Prison (SQSP). The  
16 Court has been informed that the SQSP litigation coordinator has  
17 been "unable to locate any information" regarding Defendant Dole's  
18 last known address.

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

23 Pursuant to Fed. R. Civ. P. 4(m), if a complaint is not served  
24 within 120 days from the filing of the complaint, it may be  
25 dismissed without prejudice for failure of service. When advised  
26 of a problem accomplishing service, a pro se litigant must "attempt  
27 to remedy any apparent defects of which [he] has knowledge."  
28 Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). If the

1 marshal is unable to effectuate service through no fault of his  
2 own, e.g., because the plaintiff failed to provide sufficient  
3 information or because the defendant is not where the plaintiff  
4 claims, and the plaintiff is informed, the plaintiff must seek to  
5 remedy the situation or face dismissal. See Walker, 14 F.3d at  
6 1421-22 (prisoner failed to show cause why claims against prison  
7 official should not be dismissed under Rule 4(m) because prisoner  
8 did not prove that he provided marshal with sufficient information  
9 to serve official or that he requested that official be served);  
10 see also Del Raine v. Williford, 32 F.3d 1024, 1029-31 (7th Cir.  
11 1994) (prisoner failed to show good cause for failing to effect  
12 timely service on defendant because plaintiff did not provide  
13 marshal with copy of amended complaint until after more than 120  
14 days after it was filed).

15 Service on Defendant Dole has been attempted and has failed.

16 IT IS HEREBY ORDERED THAT within thirty (30) days of the date  
17 of this Order, Plaintiff must provide the Court with a current  
18 address, necessary to locate Defendant Dole. Failure to do so  
19 shall result in the dismissal of all claims against Defendant Dole.  
20 If Plaintiff provides the Court with a current address, service  
21 shall again be attempted. If service fails a second time, all  
22 claims against Defendant Dole shall be dismissed.

23 IT IS SO ORDERED.

24 Dated: 5/12/2010



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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

4 BERNARD HAMILTON,

5 Plaintiff,

6 v.

7 G. THOMSON et al,

8 Defendant.

Case Number: CV09-00648 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 May 12, 2010, 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  
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
14 receptacle located in the Clerk's office.

15 Bernard Hamilton C-27300  
16 San Quentin State Prison  
17 San Quentin, CA 94964

Dated: May 12, 2010

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