

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MALIK JONES,

Plaintiff,

v.

L. WASHINGTON, et al.,

Defendants.

No. C 09-03003 CW (PR)

ORDER DIRECTING PLAINTIFF TO
PROVIDE CURRENT ADDRESS
NECESSARY TO LOCATE DEFENDANT
E. RAMIREZ

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On March 31, 2011, the Court issued an "Order Reviewing Second Amended Complaint; Dismissing All Claims Against Defendant P. Brown; Requiring Service on Defendants E. Ramirez and B. Brown; Addressing Plaintiff's Motion; and Allowing Further Briefing on Defendants' Motion to Dismiss."

Service has been ineffective on Defendant E. Ramirez. The Court has been informed that the Litigation Staff Service Analyst at Salinas Valley State Prison (SVSP) has been unable to locate Defendant Ramirez because "personnel records for the institution do not reflect employment of a person by this name." (Apr. 7, 2011 Letter from SVSP Litigation Staff Service Analyst A. Esparza at 1.)

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

6 Pursuant to Fed. R. Civ. P. 4(m), if a complaint is not served
7 within 120 days from the filing of the complaint, it may be
8 dismissed without prejudice for failure of service. When advised
9 of a problem accomplishing service, a pro se litigant proceeding
10 IFP must "attempt to remedy any apparent defects of which [he] has
11 knowledge." Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987).
12 If the marshal is unable to effectuate service through no fault of
13 his own, e.g., because the plaintiff failed to provide sufficient
14 information or because the defendant is not where the plaintiff
15 claims, and the plaintiff is informed, the plaintiff must seek to
16 remedy the situation or face dismissal. See Walker, 14 F.3d at
17 1421-22 (prisoner failed to show cause why claims against prison
18 official should not be dismissed under Rule 4(m) because prisoner
19 did not prove that he provided marshal with sufficient information
20 to serve official or that he requested that official be served);
21 see also Del Raine v. Williford, 32 F.3d 1024, 1029-31 (7th Cir.
22 1994) (prisoner failed to show good cause for failing to effect
23 timely service on defendant because plaintiff did not provide
24 marshal with copy of amended complaint until after more than 120
25 days after it was filed).

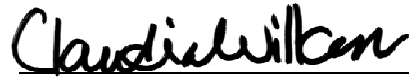
26 Service on Defendant Ramirez has been attempted and has
27 failed.

28

1 IT IS HEREBY ORDERED THAT within thirty (30) days of the date
2 of this Order, Plaintiff must provide the Court with a current
3 address, necessary to locate Defendant Ramirez. Failure to do so
4 shall result in the dismissal of all claims against Defendant
5 Ramirez. If Plaintiff provides the Court with a current address,
6 service shall again be attempted. If service fails a second time,
7 all claims against Defendant Ramirez shall be dismissed.

8 IT IS SO ORDERED.

9 Dated: 4/19/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

4 MALIK JONES,

5 Plaintiff,

6 v.

7 L. WASHINGTON et al,

8 Defendant.

Case Number: CV09-03003 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 April 19, 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
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 Malik Jones K-09065
16 FC-0-3-116
17 P.O. Box 1050
18 Soledad, CA 93960

19 Dated: April 19, 2011

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