

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

4
5 OMARR L. BURNETT,
6 Plaintiff,

No. C 09-04693 SBA (PR)

7 v.

**ORDER DIRECTING PLAINTIFF TO
PROVIDE REQUIRED INFORMATION
NECESSARY TO LOCATE DEFENDANT
ERICSSON**

8 DEPUTY FRAYNE, et al.,
9 Defendants.

10 Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983.
11 The Court issued an Order of Service and mailed a Notice of Lawsuit, a Request for Waiver of
12 Service of Summons as well as the complaint to each Defendant.

13 Service could not be completed on Defendant Dr. Ericsson. Documents addressed to
14 Defendant Ericsson were returned because Eric Messick, the San Quentin State Prison (SQSP)
15 Litigation Coordinator, "was unable to accept delivery" of these documents. (Apr. 30, 2010 Letter
16 from SQSP Litigation Coordinator Eric Messick.) Mr. Messick has informed the Court that SQSP
17 "does not have a Dr. Ericsson employed or contracted now, or at the time of the event date
18 referenced in the complaint." (Id.) Mr. Messick also states that he "was able to learn that a nurse
19 practitioner named Patricia Erickson was working under contract at that time." (Id.) However, "no
20 forwarding address was on file." (Id.) Mr. Messick "was able to locate a Patricia Erickson online
21 via state licensing for registered nurses website, but no contact information was available, only the
22 county she's licensed in (Marin) and her license number," which is 9893, according to the Board of
23 Registered Nurses website. (Id.)

24 As Plaintiff is proceeding in forma pauperis (IFP), he is responsible for providing the Court
25 with current addresses for all Defendants so that service can be accomplished. See Walker v.
26 Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994); Sellers v. United States, 902 F.2d 598, 603 (7th Cir.
27 1990).
28

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

6 IT IS HEREBY ORDERED THAT within **thirty (30) days** of the date of this Order, Plaintiff
7 must provide the Court with the current address of Defendant Ericcson. Plaintiff must also confirm
8 whether the "Dr. Ericcson" he refers to in his complaint, is actually Nurse Practitioner Patricia
9 Erickson. If so, then Plaintiff must provide the current address of Nurse Practitioner Erickson.

10 Plaintiff should review the federal discovery rules, Rules 26-37 of the Federal Rules of Civil
11 Procedure, for guidance about how to determine the address of the aforementioned Defendant.
12 Failure to do so shall result in the dismissal of all claims against Defendant Ericcson. If Plaintiff
13 provides the Court with aforementioned required information, service shall again be attempted. If
14 service fails a second time, all claims against Defendant Ericcson shall be dismissed.

15 IT IS SO ORDERED.

16 DATED: 5/10/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

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

4 OMARR L. BURNETT,

5 Plaintiff,

6 v.

7 FRAYNE et al,

8 Defendant.

Case Number: CV09-04693 SBA

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 said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 O'Marr L. Burnett F-26842
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960-1050

19 Dated: May 12, 2010

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk