

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

3 DEMETRIUS A. WRIGHT,
4 Plaintiff,
5 v.
6 R. CARASCO, et al.,
7 Defendants.

No. C 10-00064 CW (PR)

ORDER DIRECTING PLAINTIFF TO
PROVIDE INFORMATION NECESSARY
TO LOCATE DEFENDANTS L. WEST
AND HERNANDEZ

8 _____/
9 Plaintiff, a state prisoner, filed the present pro se prisoner
10 complaint under 42 U.S.C. § 1983. The Court issued an Order of
11 Service.

12 Service has been ineffective on Defendants L. West and
13 Hernandez. The Court has been informed that the litigation
14 coordinator at Salinas Valley State Prison has been unable to
15 locate Defendants West and Hernandez.

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

21 Pursuant to Fed. R. Civ. P. 4(m), if a complaint is not served
22 within 120 days from the filing of the complaint, it may be
23 dismissed without prejudice for failure of service. When advised
24 of a problem accomplishing service, a pro se litigant proceeding
25 IFP must "attempt to remedy any apparent defects of which [he] has
26 knowledge." Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987).
27 If the marshal is unable to effectuate service through no fault of
28 his own, e.g., because the plaintiff failed to provide sufficient

1 information or because the defendant is not where the plaintiff
2 claims, and the plaintiff is informed, the plaintiff must seek to
3 remedy the situation or face dismissal. See Walker, 14 F.3d at
4 1421-22 (prisoner failed to show cause why claims against prison
5 official should not be dismissed under Rule 4(m) because prisoner
6 did not prove that he provided marshal with sufficient information
7 to serve official or that he requested that official be served);
8 see also Del Raine v. Williford, 32 F.3d 1024, 1029-31 (7th Cir.
9 1994) (prisoner failed to show good cause for failing to effect
10 timely service on defendant because plaintiff did not provide
11 marshal with copy of amended complaint until after more than 120
12 days after it was filed).

13 IT IS HEREBY ORDERED THAT within thirty (30) days of the date
14 of this Order, Plaintiff must provide the Court with the current
15 address of Defendant West. Plaintiff must also provide more
16 information regarding Defendant Hernandez such as a first name or
17 initial. Failure to do so shall result in the dismissal of all
18 claims against Defendants West and Hernandez. If Plaintiff
19 provides the Court with the information above, service shall again
20 be attempted. If service fails a second time, all claims against
21 Defendants West and Hernandez shall be dismissed.

22 IT IS SO ORDERED.

23 Dated: 12/9/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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4 DEMETRIUS A. WRIGHT,

5 Plaintiff,

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8 Defendant.

Case Number: CV10-00064 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 December 9, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
12 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
13 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
14 delivery receptacle located in the Clerk's office.

15 Demetrius Ahmed Wright T65802
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960

19 Dated: December 9, 2010

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