

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

FIKRI BAYRAMOGLU,  
Plaintiff,  
vs.  
E. BANALES, et al.,  
Defendants.

No. C 11-03556 YGR (PR)

**ORDER DIRECTING PLAINTIFF TO  
PROVIDE INFORMATION NECESSARY  
TO LOCATE DEFENDANT J. VERA**

United States District Court  
For the Northern District of California

Plaintiff, a state prisoner, filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. The Court reviewed the complaint pursuant to 28 U.S.C. §1915A, found that the complaint stated a claim for relief upon certain named Defendants, and ordered service of process on them. (Docket No. 13.)

Service has been ineffective on Defendant J. Vera.

The summons for Defendant Vera was returned unexecuted on April 11, 2012. The Litigation Coordinator at Salinas Valley State Prison has informed the Court that they cannot locate Defendant Vera because this Defendant is retired from service. (Docket No. 25.)

While Plaintiff may rely on service by the United States Marshal, "a plaintiff may not remain silent and do nothing to effectuate such service. At a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge." *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). If the marshal is unable to effectuate service and the plaintiff is so informed, the plaintiff must seek to remedy the situation or face dismissal of the claims regarding that defendant under Federal Rule of Civil Procedure 4(m). *See* Fed. R. Civ. P. 4(m) (providing that if service of the summons and complaint is not made upon a defendant in 120 days after the filing of the complaint, the action must be dismissed without prejudice as to that defendant absent a showing of "good cause"); *see also Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (prisoner failed to show cause why prison official should not be dismissed under Rule 4(m) because prisoner did not prove that he provided marshal with sufficient

1 information to serve official).

2 No later than **thirty (30) days** from the date of this Order, Plaintiff must provide the Court  
3 with a current address for Defendant Vera. Plaintiff should review the federal discovery rules, Rules  
4 26-37 of the Federal Rules of Civil Procedure, for guidance about how to determine the current  
5 address of this Defendant.

6 **If Plaintiff fails to provide the Court with the current address of Defendant Vera within**  
7 **the thirty-day deadline, all claims against this Defendant will be dismissed without prejudice**  
8 **under Rule 4(m).**

9 IT IS SO ORDERED.

10 DATED: May 24, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

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