

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 LEWIS DOMINIC SHAW,
4 Plaintiff,
5 v.
6 L. THOMAS, et al.,
7 Defendants.
8

Case No. [17-cv-00462-YGR](#) (PR)

**NOTICE REGARDING INABILITY TO
SERVE DEFENDANTS DORFMAN AND
GEORGE**

9 This Order addresses issues regarding service in the above-captioned action. Service has
10 been ineffective on Defendants Dorfman and C. George. The Court has been informed by the
11 prison as follows: (1) “no forwarding address” exists for Defendant Dorfman because he has
12 “moved to Fuji”; and (2) prison officials have been “unable to find a current or former employee
13 with the name C. George.” Dkt. 13.

14 As Plaintiff is proceeding *in forma pauperis*, he is responsible for providing the Court with
15 current addresses for all Defendants so that service can be accomplished. *See Walker v. Sumner*,
16 14 F.3d 1415, 1422 (9th Cir. 1994); *Sellers v. United States*, 902 F.2d 598, 603 (7th Cir. 1990).
17 While Plaintiff may rely on service by the United States Marshal, “a plaintiff may not remain
18 silent and do nothing to effectuate such service. At a minimum, a plaintiff should request service
19 upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has
20 knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). If the marshal is unable to
21 effectuate service and the plaintiff is so informed, the plaintiff must seek to remedy the situation or
22 face dismissal of the claims regarding that defendant under Federal Rule of Civil Procedure 4(m).
23 *See Fed. R. Civ. P. 4(m)* (providing that if service of the summons and complaint is not made
24 upon a defendant in 90 days after the filing of the complaint, the action must be dismissed without
25 prejudice as to that defendant absent a showing of “good cause”); *see also Walker*, 14 F.3d at
26 1421-22 (prisoner failed to show cause why prison official should not be dismissed under Rule
27 4(m) because prisoner did not prove that he provided marshal with sufficient information to serve
28 official).

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No later than **twenty-eight (28) days** from the date of this Order, Plaintiff must provide the Court with current addresses for Defendants Dorfman and George. Plaintiff should review the federal discovery rules, Rules 26-37 of the Federal Rules of Civil Procedure, for guidance about how to determine the current address of these Defendants.

If Plaintiff fails to provide the Court with the current addresses of Defendants Dorfman and George within the twenty-eight-day deadline, all claims against these Defendants will be dismissed without prejudice under Rule 4(m).

IT IS SO ORDERED.

Dated: August 15, 2017



YVONNE GONZALEZ ROGERS
United States District Court Judge