

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

JOSE LUIS LARA,

Plaintiff,

vs.

DR. POSNER, et al.,

Defendants.

No. C 02-05429 JW (PR)

ORDER DISMISSING ACTION  
AGAINST UNSERVED DEFENDANT  
HAFFNER UNDER RULE 4(m);  
DIRECTING CORCORAN STATE  
PRISON OFFICIALS TO FILE  
NOTICE REGARDING STATUS OF  
SUMMONS ON DEFENDANT  
POSNER

Plaintiff, a California inmate proceeding pro se, filed this civil rights complaint under 42 U.S.C. § 1983, alleging deliberate indifference to his serious medical needs by Salinas Valley State Prison (“SVSP”) employees. On July 8, 2010, the Court granted the Attorney General’s motion on behalf of defendant Dr. Haffner to quash the service of process on this defendant. (See Docket No. 79.) Plaintiff was directed to provide a current location for defendant Haffner within twenty days of the order. (Id.) Plaintiff was thereafter granted an extension of time to do so, such that Plaintiff’s notice of defendant Haffner’s current address was due no later than August 27, 2010. (See Docket No. 81.) Plaintiff was advised that failure to do so may result in the dismissal of the complaint against these defendants under Rule 4(m) of the Federal Rules of Civil Procedure. The deadline has since passed

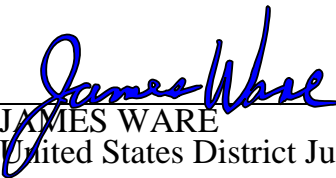
1 and plaintiff has failed to comply.

2 Accordingly, the action is DISMISSED without prejudice as to unserved  
3 defendant Dr. Haffner pursuant to Rule 4(m) of the Federal Rules of Civil  
4 Procedure. The clerk shall terminate defendant Haffner from this action.

5 On March 26, 2010, the Court directed the clerk to reissue summons as to  
6 defendant Dr. Posner at Corcoran State Prison. (See Docket No. 76.) The clerk did  
7 so on March 31, 2010. (See Docket No. 78.) Several months have passed, and there  
8 has been no response by Dr. Posner or prison officials to the summons. The  
9 Litigation Coordinator at Corcoran State Prison ("CSP") is hereby ordered to file  
10 notice **within thirty (30) days** from the date this order is filed, stating the status of  
11 defendant Dr. Posner's current employment status at CSP and whether defendant  
12 received notice of and/or received the summons issued on March 31, 2010.

13 The clerk shall send a courtesy copy of this order to the Attorney General's  
14 office.

15  
16 DATED: September 21, 2010

17   
18 JAMES WARE  
19 United States District Judge  
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UNITED STATES DISTRICT COURT  
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JOSE LUIS LARA,

Plaintiff,

v.

DR. POSNER,

Defendant.

Case Number: CV02-05429 JW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/22/2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Luis Lara  
1676 Spooner Dr.  
San Luis Obispo, CA 93405

Dated: 9/22/2010

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk