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

JOSE LUIS LARA,

Plaintiff,

vs.

DR. POSNER,

Defendant .

) No. C 02-05429 EJD (PR)

) ORDER DISMISSING ACTION
) AGAINST UNSERVED DEFENDANT
) POSNER UNDER RULE 4(m);
) CLOSING CASE

_____)
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 April 20, 2011, the Court reissued summons for Defendant Posner at the last address provided by Plaintiff. (Docket No. 85.) The summons for Defendant Posner was returned unexecuted with the remark, “The subject no longer works... for the State of California. The facility has no information on his whereabouts.” (Docket Nos. 88, 89 & 90.) Accordingly, Defendant Posner has not yet been served.


The Court also directed Plaintiff to provide a current location for Defendant Posner within twenty days of the order. (Docket No. 85.) Plaintiff was advised that failure to do so may result in the dismissal of the complaint against Defendant

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Posner under Rule 4(m) of the Federal Rules of Civil Procedure. The deadline has since passed and Plaintiff has failed to comply.

Accordingly, the action is DISMISSED without prejudice as to unserved defendant Dr. Posner pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. As there are no remaining Defendants in this matter, this action is DISMISSED. The Clerk shall terminate any pending motions and close the file.

DATED: June, 6, 2011


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE LARA,
Plaintiff,

Case Number: CV02-05429 EJD

CERTIFICATE OF SERVICE

v.

DR. POSNER,
Defendant.

_____/

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 6/8/2011, 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: 6/8/2011

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