



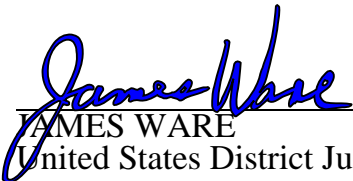
1 “Subject is a contract employee. Facility no longer knows whereabouts of subject.  
2 Facility will not accept service.” (Docket No. 47.)

3 The Attorney General’s office made a special appearance on behalf of  
4 defendant Ogle and filed a motion to dismiss the complaint pursuant to Rule 12(b)(5)  
5 of the Federal Rules of Civil Procedure, on the grounds that there was insufficient  
6 service of process or alternatively, to quash the service of process as to this  
7 defendant. (Docket No. 48.) On June 22, 2010, the Court denied the motion to  
8 dismiss, finding good cause for plaintiff’s failure to adequately serve defendant Ogle  
9 at the last known address, and granted the motion to quash the service of process.  
10 (See Docket No. 51.) The Court granted plaintiff an extension of time to perfect his  
11 process of service on defendant Ogle. (Id.) Plaintiff was directed to provide the  
12 Court with a current location for defendant in a pleading no later than July 12, 2010,  
13 with the warning that failure to provide the necessary information may result in  
14 dismissal of the complaint against this defendant under Rule 4(m) of the Federal  
15 Rules of Civil Procedure. (Id.) Thereafter, the Court extended the time until July 27,  
16 2010, for plaintiff to provide the Court with a current location for unserved defendant  
17 Ogle. (See Docket No. 53.) Plaintiff was again advised that failure to do so may  
18 result in the dismissal of the complaint against this defendant under Rule 4(m) of the  
19 Federal Rules of Civil Procedure. The deadline has since passed and plaintiff has  
20 failed to comply.

21 Accordingly, the action is DISMISSED without prejudice as to unserved  
22 defendant Kelly Ogle pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

23 The clerk shall close the file.

24  
25 DATED: September 21, 2010 \_\_\_\_\_

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

PIERRE LEBON HOFFMAN,  
Plaintiff,

Case Number: CV05-04555 JW

**CERTIFICATE OF SERVICE**

v.

M. S. EVANS, et al.,  
Defendants.

\_\_\_\_\_/

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.

Pierre L. Hoffman P-22734  
Salinas Valley State Prison  
P. O. Box 1050  
Soledad, CA 93960-1050

Dated: 9/22/2010

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