

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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

RAUL UVALLES,	)	No. C 09-5221 RMW (PR)
	)	
Plaintiff,	)	ORDER ADDRESSING SERVICE
	)	ISSUES; INSTRUCTIONS TO
v.	)	CLERK
	)	
FRANCISCO JACQUEZ, et al.,	)	
	)	
Defendants.	)	(Docket Nos. 144, 145)
	)	

Plaintiff filed a pro se civil rights action pursuant to 42 U.S.C. § 1983. On May 11, 2010, the court ordered service of the cognizable claims alleged in plaintiff’s amended complaint upon named defendants. On June 23, 2010, the court received ten summonses returned as unexecuted. On August 2, 2010, the court issued an order directing plaintiff to provide accurate and current information regarding the location of these ten defendants so that the U.S. Marshal could effect service. On August 17, 2010, the court received three more summonses which were returned unexecuted. On September 13, 2010, plaintiff provided additional information regarding the initial ten unserved defendants. On November 30, 2010, the court directed the clerk to re-serve summonses on those ten defendants. In that same order, the court directed plaintiff to provide accurate and current information regarding the location of the remaining three defendants so that the U.S. Marshal could effect service. On June 24, 2011, having received no information from

1 plaintiff regarding those three unserved defendants, the court dismissed them from this action  
2 without prejudice.

3 Plaintiff has filed a motion to reconsider the dismissal of those defendants, stating that he  
4 never received the order directing him to provide more information about them. Plaintiff's  
5 motion is GRANTED. Plaintiff also requests additional time to locate the remaining unserved  
6 defendants. The court will GRANT one final extension to provide sufficient information to  
7 locate unserved defendants. Such additional information may include the defendants' current  
8 assigned unit, defendants' full names, defendants' badge numbers, or other more identifying  
9 information so that the U.S. Marshal can locate and determine the particular defendants to be  
10 served.

11 Accordingly, **within thirty (30) days** of the filing date of this order, plaintiff must  
12 provide the court with accurate and current information for defendants Sgt. Henderson, Charles  
13 Duncan, D. Dewitt, Correctional Officer J. Gonzalez, Correctional Officer J. Shaw, Correctional  
14 Officer F. Palaccio, D. Fabela, B. Jones, and J. Hernandez such that the U.S. Marshal is able to  
15 effect service upon them.

16 **The Clerk of the Court shall send a copy of this order to the litigation coordinator at**  
17 **Pelican Bay State Prison, who is requested to provide to the court, as a courtesy, any**  
18 **forwarding address information that is available with respect to these defendants within**  
19 **thirty (30) days from the filing date of this order.** If no further information is available from  
20 the litigation coordinator, and if plaintiff fails to provide the requested information within thirty  
21 (30) days, defendants Sgt. Henderson, Charles Duncan, D. Dewitt, Correctional Officer J.  
22 Gonzalez, Correctional Officer J. Shaw, Correctional Officer F. Palaccio, D. Fabela, B. Jones,  
23 and J. Hernandez will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules  
24 of Civil Procedure.

25 This order terminates docket nos. 144 and 145.

26 IT IS SO ORDERED.

27 DATED: \_\_\_\_\_

28   
RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RAUL UVALLES,  
Plaintiff,

Case Number: CV09-05221 RMW

**CERTIFICATE OF SERVICE**

v.

FRANCISCO JAQUEZ et al,  
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 October 25, 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.

Raul Uvalles T-59954  
Pelican Bay State Prison  
Housing: C9-106  
P.O. Box 7500  
Crescent City, CA 95532

Dated: October 25, 2011

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk