

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

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

JAMES EDWARD WILLIAMS,

Plaintiff,

v.

DOCTOR TABBAA MUMTAZ, et al.,

Defendants.

No. C 10-2715 RMW (PR)

ORDER OF DISMISSAL OF  
CLAIMS AGAINST UNSERVED  
DEFENDANTS WITHOUT  
PREJUDICE

17 Plaintiff, a state prisoner proceeding pro se, filed an amended civil rights complaint  
18 pursuant to 42 U.S.C. § 1983, alleging that several medical professionals have exhibited  
19 deliberate indifference to his serious medical needs. On September 30, 2010, the court issued  
20 summonses to all named defendants. After several summonses were returned unexecuted, the  
21 court directed plaintiff to provide current location information on defendants Dr. R. Muhammad  
22 and Dr. N. Kushner or face dismissal of both defendants. In September 2011, after requesting  
23 the litigation coordinators of both Salinas Valley State Prison and Pleasant Valley State Prison to  
24 provide forwarding addresses of both Muhammad and Kushner, the court received letters from  
25 both prisons indicating that mail sent to the forwarding address on file for Muhammad was  
26 returned undeliverable, and that Kushner had no forwarding address on file because he was  
27 found to be absent without leave and released from state service. (Docket Nos. 63, 65.)

28 The court's July 29, 2001 order cautioned plaintiff that, "If no further information is

1 available from the Litigation Coordinators, and if plaintiff fails to provide the requested  
2 information **within thirty days** of the filing date of this order, defendants R. Muhammad and N.  
3 Kushner will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil  
4 Procedure.” More than thirty days from the date of that order have passed, and plaintiff has not  
5 provided the court with any further identifying or location information for either defendants Dr.  
6 Muhammad or Dr. Kushner.

7 Accordingly, defendants Dr. Muhammad and Dr. Kushner are DISMISSED from this  
8 action without prejudice.

9 IT IS SO ORDERED.

10 DATED: \_\_\_\_\_



RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD WILLIAMS JR,  
Plaintiff,

Case Number: CV10-02715 RMW

**CERTIFICATE OF SERVICE**

v.

TABBAA MUMTAZ 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.

James Edward Williams V-54214  
Salinas Valley State Prison  
Housing: A-5-143  
P.O. Box 1050  
Soledad, CA 93960

Dated: October 25, 2011

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