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

ANGIE MARIE BRIONES,)	No. C 10-3901 LHK (PR)
)	
Plaintiff,)	ORDER DENYING
)	PLAINTIFF’S MOTION FOR
v.)	CDCR TO COMPLY;
)	GRANTING PLAINTIFF
CORRECTIONAL OFFICER ROCHA,)	EXTENSION OF TIME TO
)	LOCATE DEFENDANT
Defendant.)	

This *pro se* civil rights action was filed on August 31, 2010. Before the Court is Plaintiff’s motion for the CDCR to comply with her request to provide Defendant Rocha’s full name and present address so that he can be served. In general, the Court cannot compel nonparties to provide plaintiffs with information but can order them to produce documents if properly requested. Plaintiff may compel a person who is not a party to this action to produce documents for inspection and copying pursuant to a subpoena duces tecum. *See* Fed. R. Civ. P. 34(c), 45(a). However, according to a letter from the litigation coordinator at Salinas Valley State Prison, dated February 24, 2011, a waiver of service of summons and complaint was forwarded to Defendant Hector Rocha at his last known home address. (Doc. No. 15.) Delivery was unsuccessful. (*Id.*) Further, the last known phone number for Rocha was no longer valid. (*Id.*) The litigation coordinator indicated that there was no forwarding address available. (*Id.*) Thus, it appears that the CDCR does not have the requested information. Plaintiff’s motion is

1 DENIED.

2 Because Plaintiff has not provided sufficient information to allow the Marshal to locate
3 and serve Rocha, Plaintiff must remedy the situation or face dismissal of her claims against said
4 Rocha without prejudice. *See Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994),
5 *overruled on other grounds by Sandin v. Connor*, 515 U.S. 472 (1995). The Court *sua sponte*
6 grants Plaintiff an extension of time to locate Rocha. Accordingly, Plaintiff must provide the
7 Court with sufficient information regarding Rocha's accurate and current location such that the
8 Marshal is able to effect service upon him. **Failure to do so within sixty days of the date this**
9 **order is filed will result in the dismissal of the claims against Defendant Rocha, and thus**
10 **dismissal of this action.**

11 This order terminates docket no. 20.

12 IT IS SO ORDERED.

13 DATED: 7/29/11


LUCY H. KOH
United States District Judge

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