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

MARK ROBERT QUIROZ,	)	No. C 11-0016 LHK (PR)
	)	
Plaintiff,	)	ORDER DIRECTING PLAINTIFF TO
	)	PROVIDE COURT WITH MORE
v.	)	INFORMATION FOR DEFENDANT D.
	)	HAWKES
	)	
ROBERT A. HOREL, et al.,	)	
	)	
Defendants.	)	

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On July 16, 2013, plaintiff, a state prisoner proceeding *pro se*, filed a third amended civil rights complaint pursuant to 42 U.S.C. § 1983. Upon screening, the court ordered it served upon named defendants. (Docket No. 181.) On October 23, 2013, a summons was returned unexecuted for defendant Devan Hawkes because he had “retired with no forwarding information.” (Docket No. 202.) Defendant Devan Hawkes remains unserved.

Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, plaintiff’s complaint has been pending for over 120 days, and thus, absent a showing of “good cause,” is subject to dismissal without prejudice. *See* Fed. R. Civ. P. 4(m). Because plaintiff has not provided sufficient information to allow the Marshal to locate and serve defendant Devan Hawkes, plaintiff must remedy the


Order Directing Plaintiff to Provide Court with More Info. for Def. D. Hawkes  
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1 situation or face dismissal of his claims against defendant Devan Hawkes without prejudice. *See*  
2 *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause  
3 why prison official should not be dismissed under Rule 4(m) where prisoner failed to show he  
4 had provided Marshal with sufficient information to effectuate service).

5 Plaintiff must provide the court with a current and accurate address for defendant Devan  
6 Hawkes such that the Marshal is able to effect service. **If plaintiff fails to provide the court**  
7 **with a current and accurate address for defendant Devan Hawkes within thirty (30) days of**  
8 **the date this order is filed, plaintiff's claim against this defendant will be dismissed without**  
9 **prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.**

10 IT IS SO ORDERED.

11 DATED: 12/18/13

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14 LUCY H. KOH  
15 United States District Judge  
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