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

JASON MCCORD PATTEN,)	No. C 11-2057 LHK (PR)
)	
Plaintiff,)	ORDER DISMISSING
)	DEFENDANT DR. C. STONE
v.)	
)	
DR. C. STONE, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding *pro se*, filed a second amended civil rights complaint (“SAC”) pursuant to 42 U.S.C. § 1983 challenging the conditions of his confinement at San Quentin State Prison. (Doc. No. 102.) The Court ordered service of Plaintiff’s SAC upon the named Defendants. (Doc. No. 107.) A Notice of Lawsuit and a Request for Waiver of Service of Summons were mailed to Defendant Dr. C. Stone. (Doc. No. 108.) The documents were unable to be delivered to Defendant Dr. C. Stone because “he no longer works for the California Department of Corrections and Rehabilitation.” (Doc. No. 114-1.) On February 1, 2013, Plaintiff was ordered to provide the Court with an accurate current location for Defendant Dr. C. Stone such that the Marshal could serve Defendant. Plaintiff was advised that if he failed to provide the Court with an accurate current location for Defendant Dr. C. Stone within thirty days, Plaintiff’s claims against Defendant Dr. C. Stone would be dismissed without prejudice

1 pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. In response to the Court’s Order,
2 Plaintiff submits that Defendant Dr. C. Stone can be located at San Quentin State Prison, Main
3 Dental Clinic. (Doc. No. 141.) However, the information provided by Plaintiff is neither new
4 nor different than the information previously provided and therefore does not help to facilitate
5 service.

6 Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may rely on
7 service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such
8 service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate
9 defendant and attempt to remedy any apparent defects of which [he] has knowledge.” *Rochon v.*
10 *Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987).

11 Plaintiff’s complaint has been pending for over 120 days. Plaintiff has not provided
12 sufficient information to allow the Marshal to locate and serve Defendant Dr. C. Stone. For the
13 reasons stated above, **Defendant Dr. C. Stone is DISMISSED** pursuant to Federal Rule of Civil
14 Procedure 4(m).

15 IT IS SO ORDERED.

16 DATED: 3/20/13


LUCY H. KOH
United States District Judge