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

DAVID RAYMOND ANDREWS,	)	No. C 11-2526 LHK (PR)
	)	
Plaintiff,	)	ORDER DIRECTING
	)	PLAINTIFF TO PROVIDE
v.	)	COURT WITH MORE
	)	INFORMATION FOR
J. AURELIO, et al.,	)	UNSERVED DEFENDANTS
	)	
Defendants.	)	
	)	

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Plaintiff, proceeding *pro se*, filed a second amended civil rights complaint pursuant to 42 U.S.C. § 1983. (Docket No. 24.) The Court ordered service of Plaintiff’s second amended complaint upon the named Defendants. (Docket No. 27.)

On April 4, 2012, Notices of Lawsuit and Requests for Waiver of Service of Summons were mailed to the named Defendants. The documents were unable to be delivered to Defendants J. Aurelio, R. Carriedo and H. Ortiz. According to the Litigation Office at Pelican Bay State Prison (“PBSP”), J. Aurelio and R. Carriedo did not work at the prison. (Docket Nos. 28 and 29.) The Court has received no information as to the status of Defendant H. Ortiz, however, the Waiver of Summons sent to him has not been returned to the Court.

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.*

1 *Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff's complaint has been pending for  
2 over 120 days, and thus, absent a showing of "good cause," is subject to dismissal without  
3 prejudice. *See* Fed. R. Civ. P. 4(m).

4 Because Plaintiff has not provided sufficient information to allow the Marshal to locate  
5 and serve Defendants J. Aurelio, R. Carriedo, and H. Ortiz, Plaintiff must remedy the situation or  
6 face dismissal of his claims against these defendants without prejudice. *See Walker v. Sumner*,  
7 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official  
8 should not be dismissed under Rule 4(m) where prisoner failed to show he had provided Marshal  
9 with sufficient information to effectuate service). Accordingly, Plaintiff must provide the Court  
10 with an accurate current location for these Defendants such that the Marshal is able to effect  
11 service.

12 In the interest of justice, the Litigation Coordinator at PBSP is requested to provide more  
13 information about the employment status of Defendants J. Aurelio, R. Carriedo, and H. Ortiz.  
14 The request inquires whether the named Defendants were former employees of PBSP, and if they  
15 are currently employees of the California Department of Corrections and Rehabilitation  
16 ("CDCR"). If they are former employees of PBSP, but still employed with CDCR, the Litigation  
17 Coordinator is requested to provide current employment addresses for these Defendants. If they  
18 are former employees but no longer employed with CDCR, the Litigation Coordinator is  
19 requested to provide a forwarding address, or notice that such information is not available. The  
20 Clerk shall forward a copy of this order to the Litigation Coordinator at Pelican Bay State Prison,  
21 5905 Lake Earl Drive, Crescent City, CA 95532, who is requested to provide the current  
22 employment status for Defendants J. Aurelio, R. Carriedo and H. Ortiz, and any available  
23 forwarding address, or notice that such information is not available, within **twenty (20) days**  
24 from the date this order is filed.

25 Plaintiff must file notice and provide the Court with an accurate current  
26 location of Defendants J. Aurelio, R. Carriedo, and H. Ortiz such that the Marshal is able to  
27 effect service. If Plaintiff fails to provide the Court with an accurate current location for  
28 Defendants J. Aurelio, R. Carriedo and H. Ortiz within **thirty (30) days** of the date this order is

1 filed, Plaintiff's claims against these Defendants will be dismissed without prejudice pursuant to  
2 Rule 4(m) of the Federal Rules of Civil Procedure.

3 IT IS SO ORDERED.

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5 DATED: 6/26/12

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7 LUCY H. KOH  
8 United States District Judge  
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