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

DANNY GEROME YOUNG,)	No. C 11-02739 EJD (PR)
Plaintiff,)	ORDER DIRECTING PLAINTIFF TO
vs.)	PROVIDE COURT WITH MORE
)	INFORMATION FOR UNSERVED
ANTHONY HEDGPETH, et al.,)	DEFENDANTS
Defendants.)	
_____)	

Plaintiff, a California inmate at the Salinas Valley State Prison ("SVSP") in Soledad, filed the instant civil rights action in pro se pursuant to 42 U.S.C. § 1983 against prison officials for unconstitutional acts. The Court ordered service of Plaintiff's complaint upon the named defendants. (See Docket No. 6.) The following defendants have not been served.

DISCUSSION

A. Insufficient Location Information

The summonses for Defendants Muhammand, Rayes, Dixon, Jardini, Miranda, and Nguyen that were sent to SVSP, where Plaintiff indicated they were located, were returned unexecuted on November 18, 2011, with the following remark: "Not at the

1 facility. Facility will not accept service.” (Docket Nos. 11, 12, 13, 14, 15 & 16.) The
2 summons for Defendant C. Ramos was returned because Defendant Ramos is no longer
3 employed at SVSP, and no forwarding address is available through the institution.
4 (Docket No. 44.) Accordingly, Muhammand, Rayes, Dixon, Jardini, Miranda, Nguyen,
5 and Ramos have not been served.

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

13 Plaintiff has not provided sufficient information to allow the Marshal to locate and
14 serve Defendants Muhammand, Rayes, Dixon, Jardini, Miranda, Nguyen, and Ramos,
15 and consequently Plaintiff must remedy the situation or face dismissal of his claims
16 against these defendants without prejudice. See Walker v. Sumner, 14 F.3d 1415, 1421-
17 22 (9th Cir. 1994)(holding prisoner failed to show cause why prison official should not be
18 dismissed under Rule 4(m) where prisoner failed to show he had provided Marshal with
19 sufficient information to effectuate service). Accordingly, Plaintiff must provide the
20 Court with these Defendants’ accurate current location, as well as a first name initial if
21 available, such that the Marshal is able to effect service.

22 23 CONCLUSION

24 For the reasons stated above, the Court orders as follows:

25 1. Plaintiff must file notice and provide the Court with the accurate current
26 location, and the first name initial if available, of Defendants Muhammand, Rayes,
27 Dixon, Jardini, Miranda, Nguyen, and Ramos such that the Marshal is able to effect
28 service. **If Plaintiff fails to provide the Court with an accurate current location for**

1 these Defendants within thirty (30) days of the date this order is filed, Plaintiff's
2 claims against Muhammand, Rayes, Dixon, Jardini, Miranda, Nguyen, and Ramos
3 will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of
4 Civil Procedure.

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6 DATED: 3/30/2012


EDWARD J. DAVILA
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DANNY GEROME YOUNG,
Plaintiff,

Case Number: CV11-02739 EJD
CERTIFICATE OF SERVICE

v.

ANTHONY HEDGPETH, et al.,
Defendants.

_____/

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 4/2/2012, 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.

Danny Gerome Young C-53235
Salinas Valley State Prison
CTC 23
P.O. Box 1050
Soledad, CA 93960-1050

Dated: 4/2/2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk