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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 DISMISSING DEFENDANTS
	)	JARDINI AND NGUYEN;
vs.	)	DIRECTING CLERK TO REISSUE
	)	SUMMONSES
	)	
ANTHONY HEDGPETH, et al.,	)	
	)	
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.) Summonses for Defendants Muhammand, Rayes, Dixion, Jardini, Miranda and Nguyen, sent to SVSP, where Plaintiff indicated they were located, were returned unexecuted with the remark, “Not at the facility. Facility will not accept service.” (See Docket Nos. 11, 12, 13, 14, 15 and 16.) The summons for Defendant C. Ramos was returned unexecuted because Defendant was no longer employed at SVSP and the prison had no forwarding address. (See Docket No. 44.) Plaintiff was directed to provide the Court with more information for the unserved defendants. (See Docket No. 55.) Plaintiff has filed a response to the Court’s order to

1 provide more information for unserved Defendants. (Docket No. 60.)

## 3 DISCUSSION

### 4 A. Defendants Jardini and Nguyen

5 Plaintiff's response states that "Defendants Jardini and Nguyen were doctors at the  
6 times mentioned in the complaint, acting as plaintiff's primary physician at Salinas Valley  
7 State Prison." (See Docket No. 60 at 2.) However, Plaintiff has failed to provide a  
8 current accurate location for these defendants such that the Marshal can locate and serve  
9 them. It is the responsibility of the Plaintiff to remedy the situation or face dismissal of  
10 his claims against these defendants without prejudice. See Walker v. Sumner, 14 F.3d  
11 1415, 1421-22 (9th Cir. 1994)(holding prisoner failed to show cause why prison official  
12 should not be dismissed under Rule 4(m) where prisoner failed to show he had provided  
13 Marshal with sufficient information to effectuate service). Plaintiff has failed to provide  
14 any additional information for Defendants Jardini and Nguyen. Accordingly, the claims  
15 against these defendant are DISMISSED without prejudice pursuant to Rule 4(m).

### 16 B. Defendants Reyes, Miranda and Muhammand

17 Plaintiff submitted documentation with his response which provides additional  
18 information for Defendants Reyes, Miranda and Muhammand. The information provided  
19 correctly identifies Defendant A. Rayes as **A. Reyes, CCI, Recorder**, (see Docket No.  
20 60, Ex. A), Defendant Miranda as **S. Miranda, Correctional Supervising Cook**, (id.,  
21 Ex. B), and Defendant Muhammand as **Rodney Muhammad**, (id., Ex. C).

### 22 C. Defendants Ramos and Dixon

23 Plaintiff did not provide additional documentation as to Defendants Ramos and  
24 Dixon. However he provides information in his declaration correcting information  
25 previously submitted. Plaintiff declares that Defendant Ramos "was incorrectly given the  
26 first name initial C" and that she is correctly identified as **E. Ramos**. (See Docket No. 60  
27 at 2.) Plaintiff further declares that he has spoken to Defendant E. Ramos in person at  
28 SVSP as recently as April 2012. (Id.) Plaintiff additionally declares that Defendant

1 Dixon is correctly identified as **B. Dixon** and was the Acting Health Care Manager at  
2 SVSP. Plaintiff believes that Defendant B. Dixon is currently in the Correctional  
3 Treatment Center at SVSP. (Id.)  
4

5 **CONCLUSION**

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

7 1. All claims against Defendants Jardina and Nguyen are DISMISSED without  
8 prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. The Clerk shall  
9 terminate said defendants from this action.

10 2. The Clerk of the Court shall reissue summons and the United States  
11 Marshal shall serve, without prepayment of fees, a copy of the complaint in this matter,  
12 all attachments thereto, a copy of the Court Order filed October 26, 2011, (Docket No. 6)  
13 and a copy of this order upon the following **Defendants at Salinas Valley State**  
14 **Prison**, (P.O. Box 1020, Soledad, CA 93960-1020): **A. Reyes**, CCI, Recorder, **S.**  
15 **Miranda**, Correctional Supervising Cook, **Rodney Muhammad**, M.D., **E. Ramos** and **B.**  
16 **Dixon**. The Clerk shall also mail a courtesy copy of this order to the California Attorney  
17 General's Office.

18 3. The Clerk shall update the docket to reflect the corrections provided by  
19 Plaintiff with respect to these Defendants.

20 4. Defendants shall file a motion for summary judgment or other dispositive  
21 motion with respect to the claims in the complaint found to be cognizable, and briefing  
22 shall proceed thereafter, in accordance with the schedule and instructions set forth in the  
23 Court's Order of Service, filed October 26, 2011, (Docket No. 6).  
24

25 DATED: 6/4/2012

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DANNY GEROME YOUNG et al,  
Plaintiff,

Case Number: CV11-02739 EJD

**CERTIFICATE OF SERVICE**

v.

ANTHONY HEDGPETH et al,  
Defendant.

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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 June 4, 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: June 4, 2012

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