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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
)	PROVIDE COURT WITH MORE
vs.)	INFORMATION FOR UNSERVED
)	DEFENDANT
)	
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.) Summons for Defendant Muhammad was returned unexecuted with the remark, "Not at the facility. Facility will not accept service." (See Docket No. 11.) Plaintiff was directed to provide the Court with current, locate information for Defendant Muhammad. (See Docket No. 55.) Plaintiff provided the Court with additional information which identified Defendant Muhammad as Dr. Rodney Muhammad. (See Docket No. 60, Ex. C.) The Court thereafter directed the Clerk of the Court to reissue summons and the United States Marshal to serve Defendant Rodney Muhammad at Salinas Valley State Prison. (See

1 Docket No. 61.) The Litigation Coordinator at Salinas Valley State Prison has notified
2 the Court that Defendant Rodney Muhammad, “is no longer employed at Salinas Valley
3 State Prison. An attempt was made to contact this defendant at his last known home
4 address of record via Golden State Overnight (GSO). GSO returned the envelope
5 indicating that this address did not exist.” (See Docket No. 81.) Accordingly, Defendant
6 Muhammad has not been served.

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

14 Plaintiff has not provided sufficient information to allow the Marshal to locate and
15 serve Defendant Muhammad, and consequently Plaintiff must remedy the situation or
16 face dismissal of his claims against this defendant without prejudice. See Walker v.
17 Sumner, 14 F.3d 1415, 1421-22 (9th Cir. 1994)(holding prisoner failed to show cause
18 why prison official should not be dismissed under Rule 4(m) where prisoner failed to
19 show he had provided Marshal with sufficient information to effectuate service).
20 Accordingly, Plaintiff must provide the Court with this Defendant’s accurate current
21 location such that the Marshal is able to effect service. **If Plaintiff fails to provide the**
22 **Court with an accurate current location for this Defendant within thirty (30) days of**
23 **the date this order is filed, Plaintiff’s claims against Defendant Muhammad will be**
24 **dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil**
25 **Procedure.**

26
27 DATED: 8/31/2012

28 
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.

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 September 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
P. O. Box 1020
Soledad, CA 93960-1050

Dated: September 4, 2012

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