

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

7 Because Plaintiff has not provided sufficient information to allow the Marshal to locate
8 and serve Defendant A. Martinez, Plaintiff must remedy the situation or face dismissal of his
9 claims against Defendant A. Martinez without prejudice. *See Walker v. Sumner*, 14 F.3d 1415,
10 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official should not be
11 dismissed under Rule 4(m) where prisoner failed to show he had provided Marshal with
12 sufficient information to effectuate service).

13 In the interest of justice, the Litigation Coordinator at Salinas Valley State Prison
14 (“SVSP”) is requested to provide more information about the employment status of Defendant
15 A. Martinez. To the extent there is more than one “A. Martinez” at SVSP, Plaintiff proffered
16 that Defendant A. Martinez was an Institution Security Unit Correction Officer in 2008. The
17 request shall inquire whether A. Martinez was a former employee of SVSP, and if he is currently
18 an employee of the California Department of Corrections and Rehabilitation (“CDCR”). If he is
19 a former employee of SVSP, but still employed with CDCR, the Litigation Coordinator is
20 requested to provide a current employment address for Defendant A. Martinez. If he is a former
21 employee but no longer employed with CDCR, the Litigation Coordinator is requested to
22 provide a forwarding address, or notice that such information is not available. The Clerk shall
23 forward a copy of this order to the Litigation Coordinator at SVSP, who is requested to provide
24 the current employment status for Defendant A. Martinez, and any available forwarding address,
25 or notice that such information is not available, within **twenty (20) days** from the date this order
26 is filed.

27 Plaintiff must file notice and provide the Court with an accurate current location of
28 Defendant A. Martinez such that the Marshal is able to effect service. If Plaintiff fails to provide

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the Court with an accurate current location for Defendant A. Martinez within **thirty (30) days** of the date this order is filed, Plaintiff's claims against this Defendant will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED: 6/22/12



LUCY H. KOH
United States District Judge