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

10 ANTHONY W. JOHNSON, JR., ) No. C 13-00596 EJD (PR)  
11 Plaintiff, )  
12 v. ) ORDER DISMISSING CLAIMS  
13 R. MACHUCA, JR., et al., ) AGAINST DEFENDANT A. ARREOLA  
14 Defendants. )  
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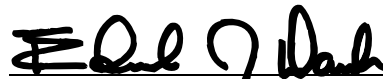
17 Plaintiff, a California inmate, filed a civil rights case against officials at Salinas  
18 Valley State Prison ("SVSP").<sup>1</sup> The Court ordered service upon the named Defendants at  
19 SVSP. (Docket No. 8.) On June 10, 2013, Litigation Coordinator G. Lopez sent a letter  
20 to the Court indicating that Defendant A. Arreola was not located in the personnel  
21 database as ever being employed at SVSP. (Docket No. 17.) On August 14, 2013, the  
22 Court ordered Plaintiff to file a notice providing the Court with an accurate and current  
23 address for Defendant A. Arreola such that the Marshal is able to effect service. (Docket  
24 No. 26.) Plaintiff was advised that failure to provide the Court with an accurate and  
25 current address for Defendant A. Arreola within thirty would result in the claims against  
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28 <sup>1</sup> Plaintiff's case was originally filed in Monterey Superior Court and was removed to  
this Court by Defendants.

1 Defendant A. Arreola being dismissed pursuant to Rule 4(m) of the Federal Rules of Civil  
2 Procedure. The Court further directed the Clerk to send a request to the Litigation  
3 Coordinator of SVSP to provide the current employment status for Defendant A. Arreola  
4 and any available forwarding address, or notice that such information is not available.  
5 (Id.) Litigation Coordinator G. Lopez has notified the Court that Defendant A. Arreola  
6 “has never worked at SVSP” and there is “no one by that name” in the personnel  
7 database. (Docket No. 37.)

8 Although a plaintiff who is incarcerated and proceeding in forma pauperis may  
9 rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to  
10 effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon  
11 the appropriate defendant and attempt to remedy any apparent defects of which [he] has  
12 knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff’s  
13 complaint has been pending for over 120 days, and he has failed to show “good cause,” as  
14 to why his claims against this defendant should not be dismissed. See Fed. R. Civ. P.  
15 4(m). Plaintiff has not provided sufficient information to allow the Marshal to locate and  
16 serve Defendant A. Arreola. Accordingly Plaintiff’s claims against this Defendant A.  
17 Arreola are **DISMISSED** without prejudice.

18  
19 DATED: 9/25/2013

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY W. JOHNSON, JR.,

Plaintiff,

v.

R. MACHUCA, JR., et al.,

Defendants.

Case Number CV 13-00596 EJD (PR)

**CERTIFICATE OF SERVICE**

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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 9/25/2013, 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) inter-office delivery receptacle located in the Clerk's office.

**Anthony Wayne Johnson**  
F58411  
High Desert State Prison  
P.O. Box 3030  
Susanville, CA 96127

DATED: 9/25/2013

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