

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CHARLES JONES,)	No. C 13-1526 LHK (PR)
)	
Plaintiff,)	ORDER DIRECTING
)	PLAINTIFF TO PROVIDE
v.)	COURT WITH MORE
)	INFORMATION FOR
)	DEFENDANT HEDGPETH
WARDEN HEDGPETH, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, proceeding *pro se*, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. On May 2, 2013, the Court ordered service upon the named Defendants. On June 10, 2013, Salinas Valley State Prison (“SVSP”) Litigation Coordinator G. Lopez sent a letter to the Court indicating that Defendant Anthony Hedgpeth was not employed at SVSP. (Docket No. 24.) Accordingly, Defendant Hedgpeth has not been served.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

DATED: 8/6/13



LUCY H. KOH
United States District Judge