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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JOSE R CARNERO, et al.,  
Plaintiffs,

v.

ELK GROVE FINANCIAL, LLC, et al.,  
Defendants.

Case No. 16-cv-03606-BLF

**ORDER DIRECTING PLAINTIFFS TO  
PROVIDE INFORMATION FOR  
SERVING LAND HOME FINANCIAL  
SERVICES, INC.**

Plaintiffs filed this case concerning a mortgage loan that was secured by a deed of trust on their home. Exh. A to First Am. Compl., ECF 25-1. On October 13, 2016, this Court granted Plaintiffs’ applications to proceed *in forma pauperis*. ECF 26. The Clerk issued summons to each of the named defendants and two of the defendants have since filed motions to dismiss. ECF 27, 28, 38. However, as to Defendant Land Home Financial Services, Inc., the summons was returned unexecuted to sender and was unable to be forwarded, as the address may be incorrect. ECF 43. Accordingly, this Defendant remains unserved.

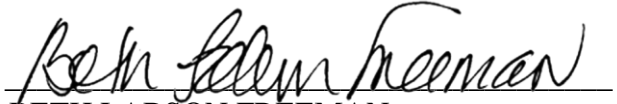
Although a plaintiff proceeding *in forma pauperis* may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Accordingly, Plaintiffs must file a notice providing the Court with accurate and current location information for **Defendant Land Home Financial Services, Inc.** such that the Marshal is able to effect service. If Plaintiffs fail to provide the Court with the information

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requested **on or before January 6, 2017**, Plaintiffs' 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: December 16, 2016

  
BETH LABSON FREEMAN  
United States District Judge