

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEE PATRICK JOHNSON,

Plaintiff,

V.

MICHAEL ALLEN, et al.,

Defendants.

CASE NO. C17-389-JLR-BAT

**ORDER DIRECTING PLAINTIFF
TO PROVIDE CURRENT SERVICE
ADDRESS**

On May 19, 2017, this Court directed service of the summons and complaint upon defendants Sgt. Michael Allen, Captain Cline, and Deputy Prosecuting Attorney Joseph Marchesano. Dkt. 22. On May 30, 2017, the summons and complaint for Captain Cline were returned as undeliverable; marked “NOT HERE.” Dkt. 23. On June 1, 2017, the Court directed defendants Allen and Marchesano to provide in the form of a confidential memo defendant Cline’s forwarding address, or if they have no such address, to advise the Court of the same. Dkt. 24. Defendants’ confidential memo advised the Court that they possess no forwarding address for Captain Cline, and that no such person is presently employed or was employed by the Department of Adult and Juvenile Detention during the period at issue in this case. Dkt. 28. Because service has not yet been perfected, the Court lacks personal jurisdiction over defendant Cline.

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1 Plaintiffs proceeding *in forma pauperis* still bear the burden of providing accurate and
2 sufficient information to effect service of the summons and complaint. When a *pro se* plaintiff
3 fails to provide the court with accurate and sufficient information to effect service of the
4 summons and complaint, the Court's *sua sponte* dismissal of the unserved defendant is
5 appropriate. *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (quoting *Puett v.*
6 *Blanford*, 912 F.2d 270, 275 (9th Cir. 1990)), abrogated on other grounds by *Sandin v. Connor*,
7 515 U.S. 472 (1995). Pursuant to Fed. R. Civ. P. 4(m), if a defendant is not served within 90
8 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff
9 — must dismiss the action without prejudice against that defendant or order that service be made
10 within a specified time.

11 Accordingly, the Court **ORDERS**:

12 Plaintiff is directed to provide the Court with a current service address for defendant
13 Captain Cline so the Court can again attempt service by mail. This address must be provided to
14 the Court on or before **August 15, 2017**. If plaintiff is unable to do so or requires additional
15 time, he should file documentation describing the steps he has taken to obtain defendant Cline's
16 current address and explain why he is unable to comply with this Order. Plaintiff is cautioned
17 that a failure to comply with this Order will result in the Court's recommendation that the
18 defendant be dismissed from this case for failure to prosecute.

19 The Clerk shall send a copy of this Order to plaintiff and to counsel for defendants.

20 DATED this 19th day of June, 2017.

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22 
23 BRIAN A. TSUCHIDA
United States Magistrate Judge

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