

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andre Leiva v. I. Casanova, et al.

Leiva v. Casanova · No. 1:23-cv-00738-SKO · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Andre Leiva to show cause why Defendant Y. Mansoup, also identified as Dr. Yasser Mansour, should not be dismissed without prejudice for failure to provide sufficient information for service. The court gives Plaintiff 30 days to provide additional locating information and warns that failure to respond will result in dismissal under Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 24, 2025
DOCKET	1:23-cv-00738-SKO
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action proceeding in forma pauperis; the court issued an order to show cause why Defendant Mansoup should not be dismissed without prejudice for failure to provide sufficient information to effect service.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m) and considered sua sponte dismissal for failure to effect service, with dismissal appropriate when a pro se plaintiff fails to provide accurate and sufficient information for the U.S. Marshal to serve the defendant.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Andre Leiva v. I. Casanova, Y. Mansoup, Pallimina

TOPICS

- service of process
- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

civil rights

prisoner civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff provided accurate and sufficient information for the U.S. Marshal to locate and serve Defendant Mansoup or Mansour.
2. Whether the court should dismiss Defendant Mansoup without prejudice under Federal Rule of Civil Procedure 4(m) for failure to effect service.
3. Whether Plaintiff should be given an opportunity to provide additional information before dismissal.

HOLDINGS

1. A pro se plaintiff is responsible for furnishing accurate and sufficient information needed by the U.S. Marshal to identify and locate a defendant for service; the Marshal and the court are not responsible for independently tracking down a defendant when the information provided is inadequate.
2. Immediate dismissal was not ordered; instead, the court gave Plaintiff thirty days to show cause and provide additional information concerning Mansoup's or Mansour's location, with dismissal without prejudice to follow if Plaintiff failed to respond adequately.

KEY QUOTATIONS

“So long as the prisoner has furnished the information necessary to identify the defendant, the marshal’s failure to effect service is ‘automatically good cause . . .’” (at 2)

“Within thirty (30) days from the date of service of this order, Plaintiff shall show cause why Defendant “Mansoup” should not be dismissed from this action.” (at 4)

FACTUAL BACKGROUND

Plaintiff identified Defendant Mansoup, also referred to as Yasser Mansour, as a physician associated with Wasco State Prison. The California Department of Corrections and Rehabilitation advised that Mansour was not employed by CDCR but was associated with the Registry and provided an address for Management Solutions, LLC. The U.S. Marshal attempted personal service at that address but was told that no one under the name Mansoup was in the company's system.

PROCEDURAL HISTORY

The action proceeds on Eighth Amendment deliberate-indifference claims against Casanova, Mansoup, and Pallimina. After the court directed service, Casanova and Pallimina waived service, but the United States Marshal returned service unexecuted as to Mansoup because the provided employment and location information did not identify the defendant. The court gave Plaintiff thirty days to provide additional information or show cause why Mansoup should not be dismissed.

DISPOSITION

other

CASES CITED

- Puett v. Blandford, 912 F.2d 270, 275 (9th Cir. 1990)
- Walker v. Sumner, 14 F.3d 1415, 1421-22 (9th Cir. 1994)
- Sandin v. Connor, 515 U.S. 472 (1995)
- Lear v. Navarro, No. 1:21-cv-00600-DAD-BAM (PC), 2022 WL 2819034, at *2 (E.D. Cal. July 19, 2022)
- Steward v. Igbinsosa, No. 1:18-cv-00551-AWI-BAM (PC), 2021 WL 3488282, at *2 (E.D. Cal. Aug. 9, 2021)
- Heredia v. Lawrence, No. 17cv1560-LAB (LL), 2019 WL 1330316, at *2 (S.D. Cal. Mar. 25, 2019)
- Harbridge v. Hall, Lee, and Tucker, No. 1:10-cv-00473-DAD-JLT (PC), 2017 WL 1821282, at *5 (E.D. Cal. May 5, 2017)

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