

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).

OPINION

Casanova

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ANDRE LEIVA, Case No.: 1:23-cv-00738-SKO 12 Plaintiff, ORDER TO SHOW CAUSE
WHY

DEFENDANT MANSOUP SHOULD NOT

13 v. BE DISMISSED FROM THIS ACTION FOR

A FAILURE TO PROVIDE SUFFICIENT

14 I. CASANOVA, et al.,

INFORMATION TO EFFECTUATE

15 Defendants. SERVICE

16 30-DAY DEADLINE

17 18 19 Plaintiff Andre Leiva is appearing pro se and in forma pauperis in this civil rights action.

20 The case proceeds on Plaintiff’s Eighth Amendment deliberate indifference to serious medical
21 needs claims against Defendants I. Casanova, Y. Mansoup, and Pallimina. 22

I. RELEVANT BACKGROUND

23 On September 11, 2025, Magistrate Judge Gary S. Austin issued his Order Directing 24
Service of Complaint. (Doc. 12.) 25 On September 30, 2025, the California Department of
Corrections and Rehabilitation 26 (CDCR) filed its notice of intent to waive service as to
Defendants Casanova and Pallimina. 27 (Docs. 14 [sealed].) That same date, CDCR filed a notice
of intent not to waive service as to 1 California, for “Yasser Mansour.” 2 On October 6, 2025, this

action was reassigned from Magistrate Judge Austin to the undersigned. (Doc. 16.) On October 23, 2025, Defendants Casanova and Pallimina filed their waiver of service. (Doc. 17.) Their response to the operative complaint is due December 1, 2025. On November 20, 2025, the United States Marshal (USM) filed a summons returned unexecuted. (Doc. 18.) The USM attempted to personally serve “Dr. Yasser Mansour” at Management Solution, LLC, 200 Pine Avenue, Suite 600, in Long Beach, California, on November 20, 2025, but were advised by Deidre Blair Saldana, Director of Staffing, that there is “no one under Mansoup in their system.” 1 (Id.)

11 I. DISCUSSION

12 Federal Rule of Civil Procedure 4(m) provides as follows: 13 If a defendant is not served within 90 days after the complaint is filed, the court— 14 on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a 15 specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. 16 17 Fed. R. Civ. P. 4(m). 18 In cases involving a plaintiff proceeding in forma pauperis, the USM, upon order of the 19 court, shall serve the summons and the complaint. Fed. R. Civ. P. 4(c)(3). “[A]n incarcerated pro 20 se plaintiff proceeding in forma pauperis is entitled to rely on the U.S. Marshal for service of the 21 summons and complaint, and . . . should not be penalized by having his or her action dismissed 22 for failure to effect service where the U.S. Marshal or the court clerk has failed to perform the 23 duties required of each of them . . .” *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990). 24 “So long as the prisoner has furnished the information necessary to identify the defendant, the 25 marshal’s failure to effect service is ‘automatically good cause . . .’” *Walker v. Sumner*, 14 F.3d 26 1415, 1422 (9th Cir. 1994), abrogated on other grounds by *Sandin v. Connor*, 515 U.S. 472 27 1 Because the CDCR did not waive service on behalf of this individual, the Clerk of the Court provided the USM with a copy of the operative complaint and the summons for service of process. 1 (1995). However, where a pro se plaintiff fails to provide the USM with accurate and sufficient 2 information to effect service of the summons and complaint, the Court’s sua sponte dismissal of 3 the unserved defendant is appropriate. *Walker*, 14 F.3d at 1421-22. 4 Here, the USM was unable to locate Defendant Y. Mansoup or Dr. Yasser Mansour. 5 Plaintiff identified this individual as a physician employed at Wasco State Prison during the 6 period giving rise to his claims. (See Doc. 11 at 4-5 & Doc. 12 at 2.) However, the CDCR advised 7 Yasser Mansour was not employed with the CDCR, but rather with the “Registry,” and provided 8 the address for Management Solutions, LLC in Long Beach, California. When the USM 9 attempted to personally serve the physician at that location, the USM was advised “there’s no one 10 under Mansoup in their system.” Accordingly, the Court finds Plaintiff has failed to provide the 11 USM with accurate and sufficient information to effect service of the summons and operative 12 complaint on Defendant Mansoup or Mansour. *Walker*, 14 F.3d at 1421-22. If Plaintiff is unable 13 to provide the USM with the necessary information to locate this individual, Defendant Mansoup 14 shall be dismissed

from this action, without prejudice, pursuant to Rule 4 of the Federal Rules of Civil Procedure. 16 It is Plaintiff's obligation to provide the USM with accurate and sufficient information to 17 effect service of process. Walker, 14 F.3d at 1421-22; see also, e.g., Lear v. Navarro, No. 1:21- 18 cv-00600-DAD-BAM (PC), 2022 WL 2819034, at *2 (E.D. Cal. July 19, 2022) ("as the Marshal 19 has already attempted to serve Defendant Plata with the information that was provided, the Court 20 finds that Plaintiff has not provided sufficient information to identify and locate Defendant Plata 21 for service of process. To the extent Plaintiff requests that the Court order [CDCR] Defendants or 22 defense counsel to provide such information directly to the Court, by order or by email, the Court 23 declines to do so"); Steward v. Igbinsosa, No. 1:18-cv-00551-AWI-BAM (PC), 2021 WL 24 3488282, at *2 (E.D. Cal. Aug. 9, 2021) (it is not CDCR's responsibility to provide the Court 25 with updated contact information for the defendant; because plaintiff had "no other information 26 that can be used to locate Defendant Nelson, and as the Marshal has already attempted to serve 27 Defendant Nelson with the information provided, the Court finds that Plaintiff has not provided 1 not the USM's responsibility to identify and locate Defendant Mansoup or Mansour. See, e.g., 2 Heredia v. Lawrence, No. 17cv1560-LAB (LL), 2019 WL 1330316, at *2 (S.D. Cal. Mar. 25, 3 2019) (plaintiff suggested burden of locating defendants should "be on the USMS or the Court" 4 but it is plaintiff's responsibility to provide the necessary information and the "USMS does its 5 best to effect service as instructed, but it does not have the ability to track down every defendant 6 named in a complaint if the information provided by the plaintiff is faulty"). Nor does that burden 7 fall on or extend to the Court. See Heredia, 2019 WL 1330316, at *2; Harbridge v. Hall, Lee, and 8 Tucker, No. 1:10-cv-00473-DAD-JLT (PC), 2017 WL 1821282, at *5 (E.D. Cal. May 5, 2017) 9 (same). 10 Pursuant to Rule 4(m), the Court will provide Plaintiff with the opportunity to show cause 11 why Defendant "Mansoup" should not be dismissed from the action. Plaintiff may respond to this 12 order by providing additional information that will assist the USM in locating Defendant 13 Mansoup or Mansour for service of process.

14 II. CONCLUSION AND ORDER

15 Based on the foregoing, the Court HEREBY ORDERS that: 16 1. Within thirty (30) days from the date of service of this order, Plaintiff shall show cause 17 why Defendant "Mansoup" should not be dismissed from this action. Plaintiff may do so 18 by providing additional information concerning the location of Defendant Mansoup or 19 Mansour; and 20 2. Plaintiff is advised the failure to respond to this order will result in the dismissal of 21 any unidentified defendant from this action, due to Plaintiff's failure to serve process 22 pursuant to Federal Rule of Civil Procedure 4(m). 23 IT IS SO ORDERED. 24 25 Dated: November 24, 2025 /s/ Sheila K. Oberto . UNITED STATES MAGISTRATE JUDGE

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