

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAMEEDH AL AZZAWI,
Plaintiff,
v.
DEPARTMENT OF THE ARMY, et al.,
Defendants.

No. 2:15-cv-1138 GEB CKD PS

ORDER

In this action, plaintiff is proceeding in propria persona. Because plaintiff had not properly completed service of summons in this action, plaintiff was ordered to serve defendants in compliance with Federal Rule of Civil Procedure 4(i)(1)(A) (service of summons and complaint on the United States Attorney for the district where the action is brought required under Rule 4). Plaintiff was granted several extensions of time to complete said service and was specifically advised that plaintiff had not completed proper service in that the instant action has been brought in the Eastern District of California and the docket did not reflect that the United States Attorney for this District had been properly served with summons and the complaint. On October 19, 2015, because plaintiff had still failed to effectuate proper service, the court recommended that the action be dismissed without prejudice.


Plaintiff has now filed objections to the findings and recommendations. Plaintiff explains that he misunderstood what was required because he thought that the U.S. Attorney for the

1 Eastern District of California is served by the court and not the plaintiff. Plaintiff is advised that,
2 contrary to his belief, the “Government attorney” is not a “part of the court.” Service of summons
3 must be made in accordance with Federal Rule of Civil Procedure 4(i)(1)(A). The court cannot
4 serve summons for plaintiff.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations (ECF No. 13) are vacated; and
- 7 2. Plaintiff is granted an extension of time to November 18, 2015 to properly serve
8 summons in this action and to file proof of service of said summons.
- 9 3. The Clerk of Court is directed to serve a courtesy copy of this order on Chi Soo Kim,
10 Assistant United States Attorney, Eastern District of California, 501 I Street, Suite 10-100,
11 Sacramento, CA 95814.

12 Dated: October 28, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

13
14
15 4 azzawi1138.eot.vac
16
17
18
19
20
21
22
23
24
25
26
27
28