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2 NOT FOR PUBLICATION

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Dorothy Miller,	)	No. CV-10-1428-PHX-GMS
10 Plaintiff,	)	<b>ORDER</b>
11 vs.	)	
12 Public Safety Personnel Retirement	)	
13 System,	)	
14 Defendant.	)	

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17 Plaintiff initiated this action on July 7, 2010 and has filed her Proof of Service (Doc.  
18 8). For the reasons stated below, the Court finds that Plaintiff has not established proper  
19 service of the summons and complaint.

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21 Under the Federal Rules of Civil Procedure (“Federal Rules”), “service upon an  
22 individual may be made by ‘delivering a copy of the summons and of the complaint to the  
23 individual personally; . . . leaving a copy of each at the individual’s dwelling or usual place  
24 of abode with someone of suitable age and discretion who resides there; . . . [or] delivering  
25 a copy of each to an agent authorized by appointment or by law to receive service of  
26 process.’” *Haskins v. Moynihan*, 2010 WL 2691562, at \*3 (D. Ariz. July 6, 2010) (citing Fed.  
27 R. Civ. P. 4(e)(2)). Service may be performed by “any person who is at least 18 years old  
28 and not a party.” Fed. R. Civ. P. 4(c)(2). Under the Federal Rules, a Plaintiff also has the  
option of serving an individual by “following state law for serving a summons in an action

1 brought in courts of general jurisdiction in the state where the district court is located or  
2 where service is made.” Fed. R. Civ. P. 4(e)(1). The Arizona Rules of Civil Procedure  
3 (“Arizona Rules”) mirror the requirements of the Federal Rules for service of an individual.  
4 See Ariz. R. Civ. P. 4.1(d). Additionally, under the Arizona Rules, “service of process shall  
5 be made by a sheriff, a sheriff’s deputy a private process server . . . or any other person  
6 specially appointed by the court.” Ariz. R. Civ. P. 4(d).

7 In addition to the general requirements for process set forth above, the Federal Rules  
8 mandate that a state, a municipal corporation, or any other state-created governmental  
9 organization that is subject to suit must be served by “delivering a copy of the summons and  
10 of the complaint to its chief executive officer or serving a copy of each in the manner  
11 prescribed by that state’s law for serving a summons or like process on such a defendant.”  
12 Fed. R. Civ. P. 4(j)(2). The Arizona Rules state, “Service upon a county or municipal  
13 corporation or other governmental subdivision of the state subject to suit . . . shall be effected  
14 by delivering a copy of the summons and of the pleading to the chief executive officer, the  
15 secretary, clerk, or recording officer thereof.” Ariz. R. Civ. P. 4.1(i).

16 The evidence indicates that Plaintiff has not sufficiently served Defendant as a  
17 governmental entity. Plaintiff has not demonstrated that she has effected service upon the  
18 CEO, the secretary, clerk, or recording officer of Defendant as required by the Federal and  
19 Arizona Rules. Furthermore, as discussed above, Plaintiff’s attempted service of process  
20 fails because (1) she attempted to do it herself in violation of Federal Rule 4(c)(2) and  
21 Arizona Rule 4(d), and (2) because she attempted to do so by mail in violation of Federal  
22 Rule 4(e) and Arizona Rule 4(d). Accordingly, Plaintiff has failed to properly effect service  
23 upon Defendant. Accordingly,

24 **IT IS HEREBY ORDERED** that Plaintiff properly serve Defendant within the time  
25 required by Federal Rule of Civil Procedure 4(m).

26 DATED this 4th day of August, 2010.

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G. Murray Snow  
United States District Judge