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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 09-3641 PSG (PJWx)	Date	January 11, 2010
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Title	Gideon Valente Agra v. One West Bank FSB <i>et al.</i>
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Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
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Deputy Clerk	Court Reporter	Tape No.
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Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) Order Dismissing Defendants IndyMac Federal Bank and Ndex West LLC**

On December 23, 2009, the Court issued an Order re Compliance with Federal Rule of Civil Procedure 4(m) (“Order”), which directed Plaintiff to file proper proofs of service on Defendants IndyMac Federal Bank (“IndyMac”) and Ndex West LLC (“Ndex”) by January 6, 2010. *See* Dkt # 56. The Order further stated that if Plaintiff did not file proper proofs of service by that date, the Court would dismiss IndyMac and Ndex from this action without prejudice under Rule 4(m).

On January 6, 2010, Plaintiff filed a response to the Court’s Order. *See* Dkt # 57. Plaintiff’s response included a copy of the proof of service previously filed by Plaintiff on August 17, 2009. *See* Dkt # 29. That proof of service states that Defendants IndyMac and Ndex were served in compliance with the Federal Rules of Civil Procedure. The proof of service indicates, however, that IndyMac and Ndex were putatively served by sending copies of the summons and complaint by registered mail to their respective general business addresses. This method of service is not authorized by the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 4(e), (h). Nor, for that matter, is it authorized by the state of California’s rules governing service of process on business entities, including banks and limited liability companies. *See* Cal. Code of Civ. Proc. § 416.10; Cal. Corp. Code § 17061.

For these reasons, the Court finds Plaintiff’s response to the Court’s December 23, 2009 Order to be insufficient. The Court therefore dismisses Defendants IndyMac Federal Bank and Ndex West LLC from this action without prejudice.

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**IT IS SO ORDERED.**