

1 states that he has attempted service by sending the summons to the Litigation Coordinator
2 at Kern Valley State Prison and to the Warden requesting assistance. Plaintiff then states
3 that he has effectuated personal service on Defendant Garcia on June 21, 2011. Plaintiff
4 states that another inmate mailed the summons and accompanying documents to Garcia
5 at KVSP, to the Department of Corrections and Rehabilitation, and to Legal Affairs
6 Department of the Office of the Governor. Plaintiff then requests an additional thirty days
7 to give Defendant Garcia adequate time to respond.
8

9 Plaintiff appears to believe that by having another inmate mail the summons and
10 accompanying documents to Defendant Garcia, he has effectuated personal service. This
11 is not the case. Personal service is not effectuated through the mail. Personal service
12 requires that a copy of the summons and complaint be delivered to the individual
13 personally, which often requires hiring a process server. Fed. R. Civ. Pro. 4(e)(2)(A). After
14 this is accomplished, proof of service must be made to the Court. If Plaintiff hires a
15 process server, proof must be provided by the server. Fed. R. Civ. Pro. 4(l)(1).
16

17 To date, Plaintiff has failed to properly serve Defendant Garcia. The summonses
18 filed by Plaintiff on June 24, 2011 and July 13, 2011 have not been executed. (ECF Nos.
19 21, 23, 24, 25, & 26.) Furthermore, it is apparent from the record that Defendant Garcia
20 has not waived service.
21

22 Accordingly, the Court will give Plaintiff one final opportunity to effectuate service
23 on Defendant Garcia. Service must be effectuated within thirty days of the date of this
24 Order. If Plaintiff again fails to do this, this action will be dismissed.

25 IT IS SO ORDERED.

26 Dated: July 19, 2011

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UNITED STATES MAGISTRATE JUDGE