UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOE HAND PROMOTIONS, INC.,	CASE NO. 1:10-cv-02164-LJO-SKO
Plaintiff,	**ORDER DENYING PLAINTIFF'S REQUEST FOR SERVICE OF PROCESS BY REGISTERED PROCESS SERVER**
v.	
ALBERT JOSEPH LABONTE II, INDIVIDUALLY and d/b/a TONY ROMAS,	(Doc. No. 21)
Defendant.	

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I. INTRODUCTION

On June 20, 2012, Plaintiff Joe Hand Promotions, Inc. ("Plaintiff" or "Judgment Creditor") filed a motion for service by a registered process server pursuant to Federal Rule of Civil Procedure 4.1(a). (Doc. 21.) For the reasons set forth below, Plaintiff's motion is DENIED without prejudice.

II. DISCUSSION

Plaintiff filed this action on November 19, 2010. (Doc. 1.) Default judgment was entered against Defendant on May 24, 2011 (Doc. 16), and the case was administratively closed. On June 20, 2012, Plaintiff filed a motion for service by a registered process server, pursuant to Federal Rule of Civil Procedure 4.1, to serve writs issued in this matter.

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1   Rule 4.1(a) provides as follows:

2   (a) **In General.** Process–other than a summons under Rule 4 or a subpoena under
     Rule 45– must be served by a United States marshal or deputy marshal or by a person
3   specially appointed for that purpose. It may be served anywhere within the territorial
     limits of the state where the district court is located and, if authorized by a federal
4   statute, beyond those limits. Proof of service must be made under Rule 4(l).

5   Here, Plaintiff seeks a court order appointing a registered process server to serve writs following

6   judgment. (Doc. 21.) Plaintiff's motion for an order permitting service by a registered process server

7   specifically references Federal Rule of Civil Procedure 4.1, but does not provide the identity of the

8   registered process server Plaintiff seeks the Court to approve and appoint. The Court notes that,

9   while Plaintiff does not seek court appointment of a registered process server to levy under a writ

10   of execution, the failure to identify the individual to be appointed as a registered process server

11   leaves the Court with insufficient information to grant the request. Moreover, Plaintiff does not

12   provide citation to the correct Local Rules ("Local Rules") for the U.S. District Court for the Eastern

13   District of California ("Eastern District") or indicate whether any California law applies to the

14   appointment of a registered process server under these circumstances.[1] In sum, Plaintiff's motion

15   is insufficient.

16   ### III.   CONCLUSION AND ORDER

17   For the reasons set forth above, Plaintiff's motion for appointment of a registered process

18   server is DENIED without prejudice to renewing the request and providing additional information

19   as discussed above.

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21   IT IS SO ORDERED.

22   **Dated: June 21, 2012**   **/s/ Sheila K. Oberto**
                                                          UNITED STATES MAGISTRATE JUDGE
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[1] Plaintiff inconsistently cites two different Local Rules that are not operative in the Eastern District.