

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KNOWN DOE PLAINTIFFS 1-4, et al.,) Case No.: 1:13-cv-00965 LJO JLT
Plaintiffs,)
v.) ORDER CONTINUING SCHEDULING
KERN COUNTY, et al.,) CONFERENCE
Defendants.)
) ORDER TO SHOW CAUSE WHY THE PROOF OF
) SERVICE AS TO DEBRA BOWEN SHOULD NOT
) BE STRICKEN
)
)
)

On June 24, 2013, Plaintiffs filed the instant action. (Doc. 1) The next day, the Court issued its order setting the mandatory scheduling conference to occur on May 3, 2013. (Doc. 3) In its order setting the mandatory scheduling conference, the Court advised counsel:

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. **Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.**

(Doc. 3 at 1-2, emphasis added) Despite this warning, Plaintiff has filed a proof of service only as to Debra Bowen, California's Secretary of State. (Doc. 11) No Defendant has appeared, other than Mary Bedard who has been dismissed from this action.

Moreover, the proof of service filed as to Ms. Bowen occurred on “Tracey Cody-Clerk.” (Doc. 11) The proof of service fails to detail where service occurred and the Court is aware that Ms. Cody is the Assistant Clerk of the Board for the County of Kern. There is no showing that Ms. Cody is authorized to accept service for Ms. Bowen (Cal. Gov. Code § 955.4 [“Service of summons in all actions on claims against the state shall be made on the Attorney General.”]), an elected officer of the State of California, or that she intended to do so.

Therefore, the Court **ORDERS**,

1. The scheduling conference, currently set on October 8, 2013, is continued to December 5, 2013 at 8:30 a.m. at the United States Courthouse at 510 19th Street, Bakersfield, CA;

2. **Within 14 days**, Plaintiffs are **ORDERED** to show cause in writing why the proof of service as to Debra Bowen, should not be stricken. Alternatively, within this same 14 day period, they may request that they be allowed to withdraw the proof of service (Doc.11);

3. Plaintiffs are reminded of their service obligations under Fed. R. Civ. P. 4.

Failure to comply may result in the imposition of sanctions, including the dismissal of unserved defendants.

IT IS SO ORDERED.

Dated: **September 25, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE