UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| KNOWN DOE PLAINTIFFS 1-4, et al., |) Case No.: 1:13-cv-00965 LJO JLT |
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| Plaintiffs, |) ORDER GRANTING MOTION TO WITHDRAW |
| v. |) PROOF OF SERVICE AS TO DEBRA BOWEN) (Doc. 22) |
| KERN COUNTY, et al., |) ORDER DISCHARGIN ORDER TO SHOW |
| Defendants. |) CAUSE WHY THE PROOF OF SERVICE AS TO) DEBRA BOWEN SHOULD NOT BE STRICKEN) (Doc. 16) |
| I | <i>)</i> |

On September 25, 2013, the Court issued an order to Plaintiffs to show cause why the proof of service (Doc. 11), should not be stricken. (Doc. 16) In the alternative, the Court allowed Plaintiffs 14 days to withdraw the proof of service. (Doc. 16) The basis for the order was that service occurred on an employee of the County of Kern, rather than on Ms. Bowen via the Attorney General. (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. (Doc. 16 at 2)

On October 8, 2013, Plaintiffs filed a motion to withdraw the proof of service and set the matter for hearing on October 31, 2013. (Doc. 22) In the meanwhile, Plaintiffs filed a new proof of service. (Doc. 18) Soon thereafter, the Attorney General, counsel for Ms. Bowen, along with Plaintiffs, filed a stipulation seeking to continue the scheduling conference and to allow additional

time for the state defendants to respond to the complaint. (Doc. 19) **ORDER** Notably, the motion to withdraw sets forth no explanation why Plaintiffs wish to withdraw the proof of service and the Court presumes their rationale is the same as that set forth in the order to show cause. Therefore, good cause appearing, the Court **ORDERS**: 1. The motion to withdraw the proof of service (Doc. 22), is **GRANTED**. The proof of service (Doc. 11), is **WITHDRAWN**; 2. The order to show cause directed to plaintiffs (Doc. 16) is **DISCHARGED**; 3. The hearing on the motion to withdraw the proof of service is **VACATED**. IT IS SO ORDERED. October 9, 2013 /s/ Jennifer L. Thurston Dated: UNITED STATES MAGISTRATE JUDGE

¹ Presumably, therefore, the Attorney General finds no defect in the newly-filed proof of service or waives any defect, if any exists.