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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOHN PELLEGRINO,
Plaintiff,
v.
LYNN R. MEREDITH, et al.,
Defendants.

Case No. 1:15-cv-00218-LJO-SAB
ORDER RE ORDER TO SHOW CAUSE

On April 15, 2015, the Court issued an order to show cause directed at Plaintiff Anthony John Pellegrino (“Plaintiff”) regarding the proofs of service filed by Plaintiff on April 13, 2015. (ECF No. 7.) Plaintiff filed a written response to the order to show cause on May 12, 2015. (ECF No. 9.)

The Court ordered Plaintiff to show cause why sanctions should not be imposed for apparent misrepresentations made in the proofs of service filed by Plaintiff. Plaintiff’s April 13 proofs of service stated that summonses had been served on Defendant Lynn R. Meredith and Defendant County of Stanislaus by Plaintiff’s agent for service of process, Natalia M. Bower. However, the Court never issued any summonses for Defendant Meredith or Defendant County of Stanislaus. Accordingly, no valid summonses could have been served by Plaintiff or his agent for service of process.

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1 Plaintiff's response to the order to show cause indicates that Plaintiff does not understand
2 the issue presented by the Court. Plaintiff's response states only that he received proof of service
3 forms from a clerk of this Court and Plaintiff filled them out and filed them. Plaintiff writes that
4 "Plaintiff believes the form is the correct form and had no intention to submit fraudulent forms,
5 or to defraud the Court in any way." (Resp. to: Order to Show Cause Why Sanctions Should Not
6 Be Issued Against Pl., at pg. 2:5-6.)

7 The Court does not accept Plaintiff's explanation. The proof of service form is a
8 representation to the Court that a valid summons was served on the defendants. Plaintiff never
9 received a valid summons from the Court so whatever he served on the defendants in this action
10 was either a counterfeit summons or a document that was not a summons at all. In either case,
11 Plaintiff should not have filed a proof of service form informing the Court that a summons had
12 been served.

13 However, in light of the dismissal of Plaintiff's action, the Court declines to impose any
14 sanctions against Plaintiff. Accordingly, it is HEREBY ORDERED that the Court's April 15,
15 2015 order to show cause is DISCHARGED.

16 IT IS SO ORDERED.

17 Dated: May 14, 2015

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20 UNITED STATES MAGISTRATE JUDGE