

1
2
3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **LILLIAN PELLEGRINI,**

6 **Plaintiff,**

7 **v.**

8 **FRESNO COUNTY, et al.,**

9 **Defendants.**

1:16-cv-01292-LJO-BAM

**ORDER THAT PLAINTIFF EFFECT
SERVICE OF THE COMPLAINT
WITHIN 60 DAYS**

10
11
12 Plaintiff filed this lawsuit on August 10, 2016, in the U.S. District Court for the Northern
13 District of California. (Doc. 1.) Plaintiff filed a motion to proceed *in forma pauperis*, which was
14 denied and the case was transferred to this Court. (Docs 8. 9.) Attorney Beverly Pellegrini submitted
15 an application to proceed pro hac vice before this Court while representing Plaintiff. That request was
16 denied. On October 31, Beverly Pellegrini filed a “Motion for Amended Admission as Requested by
17 the Court.” (Doc. 13.) Along with Beverly Pellegrini’s motion, Plaintiff filed a motion related to an
18 alleged conflict of interest (Doc. 14) and a “notice” pertaining to jurisdiction and substantive matters
19 relating to the allegations in the complaint (Doc. 15).

20 Federal Rule of Civil Procedure 4(m) requires that a complaint be served within 90 days after
21 the complaint is filed. Plaintiff’s complaint was filed on August 10, 2016, but service on Defendants
22 has not yet occurred as of the date of this order. Additionally, one of Plaintiff’s October 31, 2016,
23 filings (Doc. 15) relates to the substantive merits of her complaint, but absent service of the complaint
24 on Defendants and proper notice of the motion, this “notice” has been filed ex parte absent a legal basis
25 for doing so.

1 As summonses have not been issued, there is good cause to extend the service deadline under
2 Rule 4(m) to permit Plaintiff adequate time for service of the complaint. Because it appears related to
3 the underlying merits of the case, the court will hold in abeyance Plaintiff's motion entitled "NOTICE
4 – Federal Jurisdiction Under Federal Rule of Civil Procedure 60; Intervener by Right Under Federal
5 Rule of Civil Procedure 24; Joinder Under Federal Rules of Civil Procedure 19" (Doc. 15) until such
6 time as Defendants have been served and proper notice of the motion is made.

7 Finally, Plaintiff shall not file any further motions or notices until such time as the complaint is
8 properly served. Any substantive motions improperly filed will be stricken and will not be considered.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Clerk of Court is DIRECTED to issue new case documents to Plaintiff;
- 11 2. Within 60 days from the date of this order, Plaintiff shall arrange for service of the
12 complaint on Defendants;
- 13 3. Plaintiff shall file proof of service on Defendants; and
- 14 4. Plaintiff shall file no further motions until the complaint has been properly
15 served.

16
17 IT IS SO ORDERED.

18 Dated: November 2, 2016

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE