

1 state law provides that, “A summons may be served on a public entity by delivering a
2 copy of the summons and of the complaint to the clerk, secretary, president, presiding
3 officer, or other head of its governing body.” Cal. Code Civ. Proc. § 416.50 (a). In
4 California, service of process in an action against a public agency “may be made in
5 conformity with the information contained in the statement in the Roster of Public
6 Agencies pertaining to that public agency which is on file at the time of such service.
7 Service in this manner, if otherwise made in compliance with law, constitutes personal
8 service upon the public agency.” Cal. Gov. Code § 960.8. The California Roster,
9 maintained by the California Secretary of State, provides that the California Department
10 of Corrections and Rehabilitation (“CDCR”) the executive agency overseeing CSP-COR,
11 is located at 1515 S Street, Suite 502, Sacramento, CA 95814. The CDCR Secretary is
12 Scott Kernan.

13 Therefore, the Court will once again direct the Clerk of the Court to send the
14 documents to the USM for service. In light of Defendant’s failure to respond at the
15 institutional address provided by Plaintiff, the USM is directed to attempt to serve
16 process on CSP-COR through Scott Kernan at the address of record for CDCR.

17 Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY
18 ORDERED that:

- 19 1. The Clerk of the Court is directed to forward the following documents to
20 the USM:
 - 21 a. One completed and issued summons for Defendant CSP-COR at
22 1515 S Street, Suite 502, Sacramento, CA 95814;
 - 23 b. One completed USM-285 form for Defendant CSP-COR at 1515 S
24 Street, Suite 502, Sacramento, CA 95814;
 - 25 c. One copy of the Second Amended Complaint filed on June 08,
26 2017, plus an extra copy for the USM; and
 - 27 d. One copy of this order, plus an extra copy for the USM;

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2. Within ten (10) days from the date of this order, the USM is directed to notify the above named Defendant of the commencement of this action and to request a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c);
3. The USM shall file the returned waiver of service, or the request for waiver of service if returned as undelivered, as soon as it is received;
4. If Defendant waives service, it is required to return the signed waiver to the Marshals Service. The filing of an answer or a responsive motion does not relieve Defendant of this requirement, and the failure to return the signed waivers may subject Defendant to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2);
5. In the event that Defendant either waives service or is personally served, Defendant is required to respond to the complaint. 42 U.S.C. § 1997e(g)(2).

IT IS SO ORDERED.

Dated: January 17, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE