

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA L. COLLINS,

Plaintiff,

No. CIV S-09-1816 FCD EFB PS

VS.

CHESAPEAKE COMMONS HOLDINGS,
LLC; SACRAMENTO HOUSING AND
REDEVELOPMENT AGENCY; and
DOES 1-20,

Defendants.

ORDER

This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On October 19, 2009, the undersigned granted plaintiff's motion to proceed *in forma pauperis* in this action, ordered that service of process be made by the U.S. Marshal, and directed the Clerk of Court to send plaintiff the necessary forms for completion and return to the Marshal. Dckt. No. 3. Plaintiff submitted the requisite forms to the U.S. Marshal on November 2, 2009, and on December 14, 2009, the Marshal mailed defendants waivers of service of process on December 14, 2009 (which were due back to the Marshal on or before February 14, 2010). Dckt. Nos. 7, 11.

Because defendants had not yet appeared in the action, on January 22, 2010, the undersigned continued the status (pretrial scheduling) conference to April 14, 2010. Dckt. No. 7.

1 On March 30, 2010, plaintiff and defendant Sacramento Housing and Redevelopment Agency
2 filed a joint status report, as required by the court's October 19, 2009 and January 22, 2010
3 orders, indicating that defendant Chesapeake Commons Holdings, LLC had not yet been served.
4 Dckt. No. 12.

5 Upon inquiry by the undersigned's staff, on April 8, 2010, the U.S. Marshal contacted
6 defendant Chesapeake Commons Holdings regarding the status of the waiver of service process.
7 A manager at Chesapeake Commons Holdings indicated that the company had not received the
8 waiver of service of process. Thereafter, the U.S. Marshal re-sent the waiver to Chesapeake
9 Commons Holdings, and communications between the U.S. Marshal and the manager from
10 Chesapeake Commons Holdings on April 8, 2010 revealed that service of process on
11 Chesapeake Commons Holdings would be completed shortly.

12 Although plaintiff and defendant Sacramento Housing and Redevelopment Agency
13 already prepared and filed a joint status report, because defendant Chesapeake Commons
14 Holdings was not able to participate in the preparation of that report, the status (pretrial
15 scheduling) conference in this action will be continued to July 7, 2010 at 10:00 a.m. The parties
16 will be directed to file a further joint status report no later than fourteen days before the
17 conference (by June 23, 2010) in accordance with the requirements set forth in the October 19,
18 2009 order. *See* Dckt. No. 5.

19 Accordingly, IT IS HEREBY ORDERED that:

20 1. The April 14, 2010 status conference is continued to July 7, 2010 at 10:00 a.m. in
21 Courtroom 24;

22 2. No later than June 23, 2010, all parties shall file a joint status report, discussing the
23 matters addressed in the court's October 19, 2009 order, Dckt. No. 5;

24 3. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,
25 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030; and

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1 4. Within fourteen days of the date of this order, the U.S. Marshal is directed to serve
2 defendant Chesapeake Commons Holdings, LLC with a copy of this order. *The Marshal shall,*
3 *within fourteen days thereafter, file a statement with the court that the order was served.* If the
4 Marshal is unable, for any reason, to serve this order on that defendant, the Marshal shall
5 promptly report that fact, and the reasons for it, to the undersigned.

6 Dated: April 9, 2010.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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