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

CHERI SNIPES,

Plaintiff,

No. CIV 10-314 MCE KJM

vs.

GREENBERG, STEIN & ASSOCIATES, LLC,

Defendant.

ORDER

_____ /

Plaintiff’s motion for default judgment is calendared for hearing July 28, 2010.

The proof of service of summons filed February 25, 2010, indicates that an individual identified as “Michael Foley” was served with the summons. There is, however, no evidence in the file that this individual is an authorized agent for service of process on the corporation. Nor is there any indication at what address the summons was served. Moreover, the process server has a business address in Atlanta, Georgia and no explanation is offered as to why service was effected in Georgia. Because the court record does not establish proper service under Federal Rule of Procedure 4, the Clerk’s entry of default will be vacated and the motion for default judgment will be denied without prejudice.

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Accordingly, IT IS HEREBY ORDERED that:

1. The hearing date of July 28, 2010 is vacated;
2. The entry of default filed April 7, 2010 (docket no. 9) is vacated; and
3. The motion for default judgment (docket no. 13) is denied without prejudice.

DATED: June 10, 2010.

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snipes.def



U.S. MAGISTRATE JUDGE