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

BECKY LOPEZ,

Plaintiff,

No. 2:10-cv-01822 GEB KJN PS

v.

M.V. TRANSPORTATION
INCORPORATED,

Defendant.

ORDER

_____ /
In an order dated July 16, 2010, the undersigned granted plaintiff’s application to proceed in forma pauperis and ordered the service of plaintiff’s complaint on defendant. (Dkt. No. 4.) It appears that, to date, plaintiff has complied or attempted to comply with the requirements of the court’s order in regards to facilitating service of process on defendant. Nevertheless, defendant has not yet appeared in this action.

On December 23, 2010, the United States Marshal’s office (“Marshal”) filed a Process Receipt and Return on form USM-285 that potentially indicates why defendant has not yet appeared in this action. (Dkt. No. 14.) In short, that form indicates that defendant has not yet been served.

The USM-285 form indicates that the Marshal attempted to serve defendant with a

1 waiver of service on September 3, 2010, at the following address: 360 Campus Lane, Ste. # 201,
2 Fairfield, California 94534. The form also reflects that as of December 10, 2010, the Marshal
3 had not received a response or executed waiver of service from defendant. Accordingly, the
4 Marshal attempted to personally serve defendant on December 15, 2010. Next to the date
5 “12/15/10,” the form states the following: “~~No such address exists.~~” To the right of that text, the
6 form states: “Not at address . . . incorrect address . . . unable to serve.” Thus, it appears that the
7 address provided by plaintiff might be incorrect, or that defendant’s address has changed since
8 the time that plaintiff initially submitted the “360 Campus Lane” address to the Marshal.

9 The court will permit plaintiff to resubmit a USM-285 form with defendant’s
10 address or addresses at which the Marshal may attempt to effectuate service. In completing the
11 new USM-285 form, plaintiff should consider reinvestigating defendant’s current corporate
12 address as well as the address for defendant’s agent for service of process.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Clerk of Court shall send plaintiff one USM-285 form.
- 15 2. Plaintiff shall supply the United States Marshal, within 30 days from the
16 date this order is filed, a completed USM-285 form that includes all of the information needed by
17 the Marshal to effectuate service of process, and *shall, within 10 days thereafter, file a statement*
18 *with the court that she has submitted the revised USM-285 form to the United States Marshal.*
- 19 3. The U.S. Marshal shall serve process, with copies of this court’s
20 scheduling order and related documents already in its possession, within 90 days of receipt of the
21 required information from plaintiff, without prepayment of costs. *The United States Marshal*
22 *shall, within 10 days thereafter, file a statement with the court that such documents have been*
23 *served.* If the U.S. Marshal is unable, for any reason, to effect service of process on any
24 defendant, the Marshal shall promptly report that fact, and the reasons for it, to the undersigned.
- 25 4. The Clerk of Court shall serve a copy of this order on the United States
26 Marshal, 501 “I” Street, Sacramento, CA 95814 (tel. 916-930-2030).

