

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

RON J. ANDERSON, et al.,

No. CIV S-11-1795-MCE-CMK

Plaintiffs,

vs.

ORDER

GREG ECHOLS, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiffs, who are proceeding pro se, bring this civil action for, among other things, determination of ownership interests in the “Stringer Mine.” The matter was set for an initial status/scheduling conference on December 1, 2011, before the undersigned in Redding, California. Plaintiffs each appeared pro se. No appearances were made on behalf of either named defendant.<sup>1</sup>

<sup>1</sup> The court takes this opportunity to correct a misstatement made on the record at the hearing regarding the status of service of process on defendants. A review of the docket reflects that defendant Echols was personally served by the Butte County Sheriff’s Department on July 12, 2011. To date defendant Echols has not filed a response to the complaint.

Defendant Logan, however, has not been properly served. Federal Rule of Civil Procedure 4(e) provides that service of process may be accomplished in any of several ways, including compliance with state law for service of process. Here, plaintiffs purport to have followed California law by serving defendant Logan by means of registered mail. While this

1           The court notes that the parties failed to file the required status/scheduling  
2 conference statement, as directed in the order issued on July 8, 2011. Based on discussion with  
3 plaintiffs at the hearing, plaintiffs' failure appears to arise from a good faith oversight on their  
4 part. Defendant Logan, however, was not present at the hearing and has not explained his failure.  
5 Defendant Logan will be directed to show cause why sanctions should not be imposed. See  
6 Local Rule 110. The status/scheduling conference will be continued to provide the parties time  
7 to submit status/scheduling conference statements and to allow defendant Logan to show cause.

8           Finally, plaintiffs have requested access to the court's electronic filing system  
9 (Doc. 10). At this time, the court does not find good cause to grant an exception from Eastern  
10 District of California Local Rule 133(b)(2) which prohibits pro se litigants from utilizing the  
11 court's electronic filing system. Plaintiffs shall file documents with the court in the manner  
12 outlined in Local Rule 133(d).

13           Accordingly, IT IS HEREBY ORDERED that:

14           1.     The initial status/scheduling conference in this matter is continued to  
15 January 25, 2012, at 10:00 a.m. in Redding, California;

16           2.     The parties shall file status/scheduling conference statements consistent  
17 with the court's July 8, 2011, order no later than seven days prior to the continued hearing;

18           3.     Defendant Logan shall show cause, in writing, within 30 days from the  
19 date of this order why sanctions should not be imposed for his failure to file a status/scheduling  
20 conference statement or appear at the December 1, 2011, hearing;

21           4.     Plaintiffs' request for access to the court's electronic filing system (Doc.  
22 10) is denied without prejudice; and

23  
24 \_\_\_\_\_  
25 method is insufficient under California law for cases other than small claims actions, see Cal.  
26 Code Civ. P. § 415.30, the issue is moot because defendant Logan entered a general appearance  
in the action by way of his pro se answer filed on August 2, 2011. Though this pleading is  
cursory, it nonetheless suffices as a denial of plaintiffs' claims. See Fed. R. Civ. P. 8(b).

1           5.       The Clerk of the Court shall update the docket to reflect that defendant  
2 Logan has appeared in the action by way of his answer filed on August 2, 2011, and that his  
3 address is 2156 Dennis Ray Ave NE, Keizer, OR 97303, and that his phone number is (530) 519-  
4 3409.

5  
6 DATED: December 1, 2011

7   
8 **CRAIG M. KELLISON**  
9 UNITED STATES MAGISTRATE JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26