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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRIET STRICKLEN,
Plaintiff,

v.

KELLY SERVICES,
Defendant.

No. 2:16-cv-0804 TLN GGH PS

ORDER

On June 14, 2016, the court entered its order granting plaintiff’s request to proceed in forma pauperis and directing the Clerk to forward to plaintiff a summons form and a USM-285 form. Pursuant to that order, within 14 days from the June 14, 2016 filed date of the order, plaintiff was to provide the United States Marshal with the information to complete service of process and file a statement to that effect. Plaintiff did not file a statement as ordered; however, on July 8, 2016, as reflected in the process receipt and return filed August 9, 2016, the summons was returned unexecuted. The stated reason was that the name of individual or company to serve, CT Corporation, “was not listed on the court documents as the agent for service of process” and “process rejected.”¹ (ECF No. 10.)

¹ The meaning of these notations is not clear. Nevertheless, a search of state of California corporation database indicates there are numerous companies with the name Kelly Services located in Michigan. Kelly Management Services, Inc. lists CT Corporation as agent for service of process but the status of this agent is “surrender” which means that this agent has been

1 It is quite possible that CT Corporation may not be the proper agent for service of process.
2 Plaintiff is advised that failure to serve this defendant within ninety days of the June 14, 2016
3 order directing service, will result in a recommendation that this defendant be dismissed. See
4 Fed. R. Civ. P. 4(m).

5 THEREFORE, IT IS ORDERED that:

6 1. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed
7 to serve within ninety days of the June 14, 2016 order, all process pursuant to Fed. R. Civ. P. 4,
8 including a copy of this court's status order, without prepayment of costs.

9 2. The Clerk of the Court shall send plaintiff one USM-285 form for each defendant, one
10 summons, a copy of the complaint, an appropriate form for consent to trial by a magistrate judge,
11 and this court's status order.

12 3. Plaintiff is directed to supply the U.S. Marshal, within **14 days** from the date this order
13 is filed, all information needed by the Marshal to effect service of process, and *shall file a*
14 *statement with the court that said documents have been submitted to the United States Marshal.*
15 The court anticipates that, to effect service, the U.S. Marshal will require at least:

- 16 a. One completed summons for each defendant;
17 b. One completed USM-285 form for each defendant;
18 c. One copy of the endorsed filed complaint for each defendant, with an extra
19 copy for the U.S. Marshal;
20 d. One copy of this court's status order for each defendant; and
21 e. One copy of the instant order for each defendant.

22 4. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate
23 service on any defendant within 90 days from the June 14, 2016 order, the Marshal is directed to

24 _____
25 revoked. In contrast, Kelly Services, Inc. also lists CT Corporation as agent for service of process
26 and that status is "active." A third listing, Kelly Staffing Services, Inc. names CT Corporation as
27 agent for service of process but that status is "surrender" and has been revoked. Furthermore,
28 Kelly Staffing Services, Inc. lists a P.O. Box in Detroit, Michigan, which is different than the
Troy, Michigan address provided by plaintiff. See www.kepler.sos.ca.gov. Plaintiff will need to
research which Kelly Services is the defendant against which she intends to litigate, as well as the
correct address and current agent for service of process.

1 report that fact, and the reasons for it, to the undersigned.

2 5. If a defendant waives service, the defendant is required to return the signed waiver to
3 the United States Marshal. If the Marshal has already attempted personal service, the filing of an
4 answer or a responsive motion will not relieve a defendant from the potential obligation to pay
5 the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2).

6 6. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,
7 501 "I" Street, Sacramento, CA 95814, Tel. No. (916) 930-2030.

8 7. Plaintiff's failure to comply with this order may result in a recommendation that this
9 action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110 and
10 183(a).

11 Dated: August 17, 2016

12 /s/ Gregory G. Hollows

13 UNITED STATES MAGISTRATE JUDGE

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