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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RON SINGH and KAREN SINGH,

Plaintiffs,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:17-cv-2580 TLN DB PS

ORDER

Plaintiffs Ron Singh and Karen Singh are proceeding pro se. The case has been referred to the undersigned pursuant to Local Rule 302(c)(21). On February 12, 2018, the undersigned issued an order setting this matter for a March 23, 2018 Status (Pretrial Scheduling) Conference. (ECF No. 4.) On March 27, 2018, the undersigned issued an order granting plaintiffs' request to continue the status conference to May 25, 2018, and ordering plaintiffs to file proof of service of that order on the defendants within no less than 19 days. (ECF No. 9 at 2.) Plaintiffs, however, have not filed proof of service of the March 27, 2018 order on the defendants.

Moreover, plaintiffs are advised that Rule 4 of the Federal Rules of Civil Procedure provides:

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1 A state, a municipal corporation, or any other state-created
2 governmental organization that is subject to suit must be served by:

3 (A) delivering a copy of the summons and of the complaint to its
4 chief executive officer; or

5 (B) serving a copy of each in the manner prescribed by that state's
6 law for serving a summons or like process on such a defendant.

7 Fed. R. Civ. P. 4(j)(2). California law provides that a public entity, like the County of
8 Sacramento, "may be served . . . by delivering a copy of the summons and of the complaint to the
9 clerk, secretary, president, presiding officer, or other head of its governing body." Cal. Code Civ.
10 P. § 416.50. With respect to proof of service, Local Rule 210(b) requires that:

11 When service is made by personal delivery, it shall show the hour,
12 the particular address or vicinity at which service was made, the
13 name and address of the person served, and the name and address of
14 the person making the service.

15 Here, on February 22, 2018, plaintiffs filed a purported proof of service of the complaint
16 on the County of Sacramento. (ECF No. 6.) However, that proof of service merely asserts that
17 an "Authorized Agent for the Service on Sacramento County and its employees," was personally
18 served. (*Id.* at 1.) In this regard, the proof of service does not: (1) assert that service was
19 accomplished on a chief executive officer, clerk, secretary, president, presiding officer, or other
20 head of the County of Sacramento; (2) provide the name of the person served; or (3) the address
21 of the person served.

22 Accordingly, IT IS HEREBY ORDERED that:

23 1. The May 25, 2018 Status (Pretrial Scheduling) Conference is continued to **Friday,**
24 **June 22, 2018, at 10:00 a.m.** at the United States District Court, 501 I Street, Sacramento,
25 California, in Courtroom No. 27 before the undersigned;

26 2. Within fourteen (14) days of the date of this order plaintiffs shall show cause in writing
27 as to why plaintiffs should not be sanctioned for failing to comply with the March 27, 2018 order;

28 3. Within fourteen (14) days after plaintiffs are served with this order, plaintiffs shall
serve upon each defendant one copy of this order; and within five (5) days after serving the
defendants, plaintiffs shall file a certificate of service that complies with Local Rule 210(b),

1 specifically including the name of the person served, the address of the person served, the date
2 and manner of service of the copy on the defendants;

3 4. All parties are required to appear at the Status Conference, either by counsel or, if
4 proceeding in propria persona, on his or her own behalf. Any party may appear at the status
5 conference telephonically if the party pre-arranges such appearance by contacting Pete Buzo, the
6 courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours
7 before the Status (Pretrial Scheduling) Conference; a party may not appear telephonically over a
8 cellphone.

9 5. Plaintiffs shall file and serve updated status reports on or before **June 8, 2018**, and
10 defendants shall file and serve status reports on or before **June 15, 2018**. Each party's status
11 report shall address all of the following matters:


- 12 a. Progress of service of process;
- 13 b. Possible joinder of additional parties;
- 14 c. Possible amendment of the pleadings;
- 15 d. Jurisdiction and venue;
- 16 e. Anticipated motions and the scheduling thereof;
- 17 f. Anticipated discovery and the scheduling thereof, including
18 disclosure of expert witnesses;
- 19 g. Future proceedings, including the setting of appropriate cut-off
20 dates for discovery and for law and motion, and the scheduling of a
21 final pretrial conference and trial;
- 22 h. Modification of standard pretrial procedures specified by the rules
23 due to the relative simplicity or complexity of the action;
- 24 i. Whether the case is related to any other case, including matters in
25 bankruptcy;
- 26 j. Whether the parties will stipulate to the magistrate judge assigned
27 to this matter acting as settlement judge, waiving any
28 disqualification by virtue of her so acting, or whether they prefer to
have a Settlement Conference before another magistrate judge;
- 29 k. Whether the parties intend to consent to proceed before a United
States Magistrate Judge; and
- 30 l. Any other matters that may aid in the just and expeditious
disposition of this action.

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6. Plaintiffs are advised that failure to timely comply with this order, timely file a status report, or the failure to appear at the status conference either in person or telephonically, may result in a recommendation that this action be dismissed for lack of prosecution and as a sanction for failure to comply with court orders and applicable rules. See Local Rules 110 and 183; and

7. Plaintiffs are cautioned that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed.¹

Dated: May 17, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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¹ However, the court may extend the time for service upon a showing a good cause.