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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). Plaintiffs' complaint alleges generally that defendants' enforcement of municipal codes violated plaintiffs' constitutional rights.

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 February 22, 2018, plaintiffs filed a purported proof of service on the defendants. (ECF No. 6.) On March 27, 2018, the undersigned issued an order granting plaintiffs' request to continue the status conference to May 25, 2018. (ECF No. 9.) Plaintiffs were also ordered to file proof of service of that order on the defendants within 19 days. (Id. at 2.) Plaintiffs, however, failed to comply with the undersigned's order and did not file proof of service of the March 27, 2018 order on the defendants.

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1 Accordingly, on May 17, 2018, the undersigned issued to plaintiffs an order to show
2 cause. (ECF No. 16.) Therein, the undersigned advised plaintiffs of their failure to comply with
3 the March 27, 2018 order. (Id. at 1.) The order also advised plaintiffs that it appeared from the
4 purported proof of service that plaintiffs failed to comply with Rule 4 of the Federal Rules of
5 Civil Procedure, California Code of Civil Procedure § 416.50, and with Local Rule 210(b). (Id.
6 at 1-2.)

7 The order to show cause ordered plaintiffs to show cause in writing within fourteen days
8 as to why plaintiffs should not be sanctioned for failing to comply with March 27, 2018 order.
9 (Id. at 2.) Plaintiffs were also ordered to serve upon each defendant one copy of May 17, 2018
10 order and, within five days, file a certificate of service that included the name of the person
11 served, the address of the person served, and the date and manner of service of the copy on the
12 defendants. (Id.)

13 On June 15, 2018, plaintiffs filed an updated status report and a motion for default
14 judgment.¹ (ECF Nos. 17 & 18.) The purported proofs of service filed in connection with those
15 documents evidenced that plaintiffs continued to fail to comply with the Federal Rules of Civil
16 Procedure, the California Code of Civil Procedure, and the Local Rules. (ECF No. 17 at 2; ECF
17 No. 18 at 4.) Moreover, plaintiffs failed to comply with the undersigned's May 17, 2018 order.

18 Therefore, on June 19, 2018, the undersigned issued findings and recommendations,
19 recommending that this action be dismissed without prejudice due to plaintiffs' failure to
20 prosecute. (ECF No. 19.) However, that same day an updated response to the order to show
21 cause and another purported proof of service from plaintiffs was entered on the court's docket.
22 (ECF Nos. 20 & 21.) Moreover, on July 3, 2018, plaintiffs filed a motion for reconsideration and
23 objections to the June 19, 2018 findings and recommendations. (ECF Nos. 22 & 23.)

24 The gist of plaintiffs' new filings is that plaintiffs believe they have properly served the
25 defendants in this action. Based on these representations, the undersigned will grant plaintiffs'
26 motion for reconsideration. The undersigned, however, continues to have concerns about

27 ¹ Plaintiffs' motion for default judgment was not noticed for hearing before the undersigned as
28 required by Local Rule 230.

1 plaintiffs' purported service on the defendants. Specifically, plaintiffs' proofs of service are
2 executed by a Scott Smith who resides at 1200 North B Street, Sacramento, CA 95814. (ECF No.
3 6 at 1; ECF No. 12 at 1; ECF No. 21 at 1.)

4 In Raj Singh, Karen Singh v. Wells Fargo Bank, No. 2:15-cv-2664 JAM EFB PS, the
5 magistrate judge in that action noted, in addressing purported service by a Jason Smith, that this
6 address is the address for the Salvation Army Shelter Services Center. Singh v. Wells Fargo
7 Bank, No. 2:15-cv-2664 JAM EFB PS (E.D. Cal. Aug. 1, 2016). The magistrate judge in that
8 action required the plaintiffs in that action to produce Jason Smith for a hearing regarding the
9 purported service of process. (Id.) It appears from the docket in that action that the plaintiffs in
10 that action were unable to produce Jason Smith, but were able to effect proper service after
11 utilizing another process server.

12 Here, the undersigned will order plaintiffs to produce Scott Smith. Also, given some of
13 the similarities between this action and the Wells Fargo matter discussed above, plaintiffs will be
14 ordered to provide the court with a list of any current or former actions involving either plaintiff,
15 under any name, filed in this court.

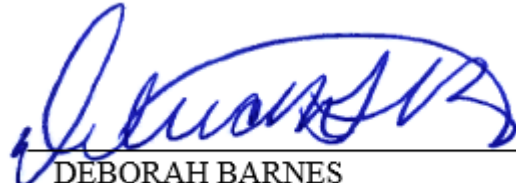
16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiffs' June 15, 2018 motion for default judgment (ECF No. 18) is denied without
18 prejudice to renewal;
- 19 2. The June 19, 2018 findings and recommendations (ECF No. 19) are vacated;
- 20 3. Plaintiffs' July 3, 2018 motion for reconsideration (ECF No. 22) is granted;
- 21 4. Each plaintiff shall appear in person for a hearing regarding service of process on the
22 defendants on **Friday, November 16, 2018, at 10:00 a.m.** at the United States District Court, 501
23 I Street, Sacramento, California, in Courtroom No. 27 before the undersigned;
- 24 5. Plaintiffs shall produce Scott Smith at the **November 16, 2018** hearing;
- 25 6. Plaintiffs are granted an extension of time to serve defendants and shall complete
26 service on or before **October 26, 2016**;
- 27 7. On or before **October 12, 2018**, plaintiff shall serve a copy of this order on the
28 defendants and shall file a proof of service of this order that includes the name of the person

1 served, the address of the person served, the date and manner of the service, as well as the name
2 and address of the person effecting the service; and

3 8. On or before **October 12, 2018**, plaintiffs shall file a document listing all cases, past
4 and present, involving either plaintiff filed in this court.

5 Dated: September 25, 2018

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9 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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