

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANA SENEKA,  
Plaintiff,  
v.  
COUNTY OF YOLO, et. al.,  
Defendants.

No. 2:20-cv-1621 TLN-CKD-PS

ORDER

Plaintiff, proceeding pro se, filed this civil rights action filed pursuant to 42 U.S.C. § 1983 and has paid the filing fee. (ECF No 1.) On August 4, 2020, plaintiff filed a motion for service of process by the United States Marshal and for permission to utilize the Court’s electronic filing system. (ECF No. 4.) On the same day, plaintiff filed a First Amended Complaint which was served by a process server on defendants CWS, S. Shabazz, Godwin, Green, Chapin, Nelson, Morris, Maciel, Kraft, Henberger, Jakowski, G. Shabazz, Yolo County District Attorney, Josefina Elliott, Woodland Police Department, Fair, Elliott, Gutherie, Moe, Moore, West, Kulp, Hiatt, Magee, Sandy, Gage, Mooney, California Health and Human Resources, California Department of Social Services, California Foster Care Ombudsperson, and the Attorney General of California. (ECF Nos. 5 and 9.)

////

1 On October 13, 2020, defendants filed a motion to dismiss (ECF Nos. 8, 10, 11, 12),  
2 originally set for hearing on December 9, 2020. That date was subsequently continued to January  
3 13, 2021. (ECF Nos. 19.)

4 First, as to plaintiff's request to have the United States Marshal's serve the summons on  
5 the defendants, that motion is now moot and will be denied as such.

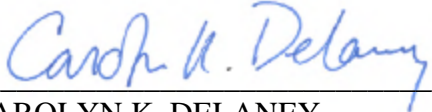
6 Second, as to plaintiff's request to use the electronic case management/filing system  
7 (CM/ECF), the court will deny that request at this time. "Any person appearing pro se may *not*  
8 utilize electronic filing except with the permission of the assigned Judge or Magistrate Judge."  
9 E.D. Cal. L.R. 133(b)(2) (emphasis in original). The court finds no reason in the present case to  
10 deviate from this general rule. Therefore, plaintiff's request to use the electronic case  
11 management/filing system (ECF No. 4) is denied.

12 Finally, it appears from the court's records that defendants California Commission on  
13 Judicial Performance has not been served with the First Amended Complaint. Plaintiff is hereby  
14 notified that Federal Rule of Civil Procedure 4(m) requires service within 90 days of the filing of  
15 an action. Failure to comply may result in a recommendation of dismissal as to this defendant.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's request to have the United States Marshal serve the summonses in this case  
18 (ECF No. 4) is denied.
- 19 2. Plaintiff's request to use the court's electronic filing system (ECF No. 4) is denied.

20 Dated: November 18, 2020

21   
22 \_\_\_\_\_  
23 CAROLYN K. DELANEY  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28