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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE BELL, et al.,  
Plaintiffs,  
v.  
SOLANO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et  
al.,  
Defendants.

No. 2:22-cv-01687-TLN-CKD (PS)  
ORDER

Plaintiff,<sup>1</sup> proceeding without the assistance of counsel, filed the instant action, paid the filing fee, and was given a summons and initial scheduling order by the Clerk of Court. (See ECF Nos. 1, 2, 3.) On April 18, 2023, the court issued Findings and Recommendations to Dismiss for Failure to Serve. (ECF No. 16.) Plaintiff was to file any objections within fourteen days, i.e., by May 2, 2023. (Id.)

On May 1, 2023, a proof of service was filed with the court. (ECF No. 18.) The court has reviewed the proof of service and advises plaintiff of two problems that need fixing. First, the proof of service does not state that defendant was served with the summons. (See ECF No. 18, stating that the original complaint was served on defendant, but making no mention of the

<sup>1</sup> On April 17, 2023, plaintiff Clarence Bell informed the court that plaintiff Evelyn Bell passed away. (ECF No. 17.)

1 summons). Proper service requires that defendant be served with both the complaint and the  
2 summons. Fed. R. Civ. P. 4. The plaintiff is responsible for having the summons and complaint  
3 served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person  
4 who makes service. Id.

5 Second, the proof of service incorrectly indicates that this matter arises in the U.S. District  
6 Court for the Northern District of California, but the matter is before the U.S. District Court for  
7 the Eastern District of California. (See ECF No. 18)

8 In light of plaintiff's pro se status and efforts to prosecute this case, the undersigned  
9 vacates the previously issued Findings and Recommendations to Dismiss for Failure to Prosecute.  
10 (ECF No. 16). Pro se plaintiffs are given great latitude in prosecuting their case, given their  
11 unfamiliarity with the legal system and federal rules. See e.g., Expose v. Fay Servicing, Inc., No.  
12 21-cv-1866-TLN-KJN-PS at \*1 (E.D. Cal. Jan. 13, 2021), report and recommendation adopted,  
13 No. 21-cv-01866-TLN-KJN (E.D. Cal. Feb. 16, 2021).

14 Plaintiff shall serve defendant with both the complaint and summons pursuant to Rule 4 of  
15 the Federal Rules of Civil Procedure within fourteen days and file the proof of service within ten  
16 days of service.

17 **ORDER**

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. The Clerk of Court shall vacate the Findings and Recommendations to Dismiss. (ECF  
20 No. 16.)
- 21 2. Plaintiff shall serve defendants with the complaint and summons pursuant to Rule 4 of  
22 the Federal Rules of Civil Procedure within fourteen days and shall file the proof of  
23 service within ten days of service.

24 Dated: May 8, 2023

25   
26 CAROLYN K. DELANEY  
27 UNITED STATES MAGISTRATE JUDGE