

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JERRY M. FREDERICK,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Defendant.

) No. C 08-2222 MMC (PR)

) **ORDER GRANTING PLAINTIFF'S**
) **MOTION FOR CLARIFICATION;**
) **DIRECTING CLERK TO REISSUE**
) **SUMMONS AND MARSHAL TO SERVE**
) **DEFENDANT**

) **(Docket No. 8)**

On April 29, 2008, plaintiff, a California prisoner then incarcerated at the Correctional Training Facility at Soledad (“CTF-Soledad”)¹ and proceeding pro se, filed the above-titled civil rights action. By order dated September 26, 2008, the Court granted plaintiff’s application to proceed in forma pauperis and found the complaint stated cognizable claims for injunctive relief and damages under Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* (“ADA”). The Court directed the United States Marshal to serve the California Department of Corrections and Rehabilitation (“CDCR”), a public entity that is a proper defendant to plaintiff’s ADA claim. See Pennsylvania Dep’t of Corrections v. Yeskey, 524 U.S. 206, 210 (1998) (holding state prisons are public entities under Title II).

On October 25, 2008, the Marshal mailed an envelope containing the summons and complaint to the CDCR at a post office box in Sacramento. On November 3, 2008, the Marshal returned the summons unexecuted for the reason that the envelope was returned by

¹On April 13, 2009, plaintiff informed the Court he currently is incarcerated at the California Mens Colony in San Luis Obispo.

