

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

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

J&J SPORTS PRODUCTIONS, INC.,

No. C 09-02860 WHA

Plaintiff,

v.

STEVE SANG RO,

Defendant.

**ORDER DENYING
AUTHORIZATION FOR
PROCESS SERVER TO LEVY
EXECUTION**

Plaintiff J&J Sports Productions, Inc. has obtained default judgment in the amount of \$4,350 against defendant Steve Sang Ro. Pursuant to Federal Rule of Civil Procedure 69, a money judgment is enforced by a writ of execution. The procedure on execution must accord with the procedure of the state where the federal district court is located, but federal statute governs to the extent it applies. Pursuant to 28 U.S.C. 566(c), writs of execution issued by federal district courts are ordinarily served by United States marshals.

Plaintiff moves pursuant to California Code of Civil Procedure § 699.080 for an order authorizing a process server instead of United States marshals perform service. Plaintiff claims that this would “relieve” the United States marshals of the burden of effectuating service. However, there is nothing distinguishing the present matter that would justify departing from the

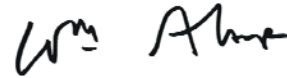
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

normal course of action in which United States marshals perform the duty of service.

Accordingly, plaintiff's motion is **DENIED**.

IT IS SO ORDERED.

Dated: March 15, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE