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UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco Division

CLAYTON COLLINS,

No. C 13-01493 LB

Plaintiff,

v.

CITY OF OAKLAND, et al.,

Defendants.

**ORDER (1) DIRECTING THE  
UNITED STATES MARSHAL TO  
SERVE LEO BAZILE AND ANTONIO  
ACOSTA AND (2) CONTINUING THE  
HEARING ON THE ENTITY  
DEFENDANTS' MOTIONS TO  
DISMISS**

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Plaintiff Clayton Collins, proceeding *pro se*, filed a complaint on April 3, 2013. Complaint, ECF No. 1. He named 2 entities and 3 individuals as defendants, namely, the City of Oakland, the County of Alameda, Leo Bazile, Antonio Acosta, and Officer Rick Cocanour of the Alameda County Sheriff's Office. *Id.* Mr. Collins also filed an application to proceed *in forma pauperis*. IFP Application, ECF No. 3. The court granted Mr. Collins's IFP Application on April 11, 2013 and ordered the United States Marshal to serve the complaint and summonses upon the defendants. IFP Order, ECF No. 6. For some reason, the Clerk of the Court did not issue the summonses for each of the 5 defendants until June 4, 2013. Issued Summonses, ECF No. 7. The United States Marshal acknowledged receiving the issued summons on June 13, 2013, Acknowledgment, ECF No. 8, and went about attempting to serve the defendants.

The City of Oakland and the County of Alameda must have been successfully served in the end of June or early July 2013 because on July 15, 2013 each of them filed motions to dismiss Mr.

1 Collins's complaint. County of Alameda Motion, ECF No. 11; City of Oakland Motion, ECF No.  
2 12. Their motions currently are set for hearing on September 19, 2013. Officer Cocanour was  
3 served on July 16, 2013, and to date he has not appeared or responded to Mr. Collins's complaint in  
4 any way. Executed Summons (Cocanour), ECF No. 21.

5 The United States Marshal, however, was not able to serve Mr. Bazile or Mr. Acosta because  
6 they no longer are employed by the City of Oakland, and Mr. Collins, in his complaint, did not  
7 provide any other contact information for them. Unexecuted Summonses (Bazile and Acosta), ECF  
8 No. 17. So, on August 15, 2013, Mr. Collins filed a letter that states that Ms. Bazile can be served at  
9 2275 100th Avenue, Oakland, California 9603-2836 and Mr. Acosta can be served at City of Union  
10 City, City Hall, 34009 Alvarado Niles Road, Union City, California 94587. Letter, ECF No. 29.

11 With this new information, the court **ORDERS** the United States Marshal to serve, without  
12 prepayment of fees, a copy of the complaint, any amendments or attachments, Mr. Collins's IFP  
13 affidavit, and this order upon the following defendants at the following addresses:

14  
15 Leo Bazile  
16 2275 100th Avenue  
16 Oakland, California 9603-2836

17 Antonio Acosta  
18 City of Union City, City Hall  
18 34009 Alvarado Niles Road  
19 Union City, California 94587

20 In light of this situation, the court **CONTINUES** the hearing on the City of Oakland's and the  
21 County of Alameda's motions to dismiss to **October 17, 2013 at 9:30 a.m.** in Courtroom C, 15th  
22 Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

23 **IT IS SO ORDERED.**

24 Dated: August 20, 2013

25   
26 LAUREL BEELER  
26 United States Magistrate Judge