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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL EDWARD BUCKINS,
Plaintiff,
v.
BRENDA MCCOY, et al.,
Defendants.

Case No. [16-cv-06157-SI](#)

**ORDER REGARDING SERVICE ON
DEBORAH M. WALKER**

Re: Dkt. No. 20

In this *pro se* prisoner’s civil rights action, Darrell Buckins complained about responses to his medical needs from December 2014 through August 2015 while he was housed at the Glenn Dyer Detention Facility in Oakland, California. Buckins alleged that “Defendant DEBRA WALKER, L.V.N. (‘Walker’) was at all times herein mentioned a physician licensed to practice medicine in the State of California, an employee and/or agent of Defendant CORIZON [Health Services].” Docket No. 11 at 4. Service of process was ordered on eight defendants, including a defendant identified as Debra Walker, L.V.N. The clerk requested Buckins to provide an address for service of process, and Buckins provided a residential address in the Los Angeles suburb of Covina, California, to serve this defendant. Docket No. 14. The summons and amended complaint were mailed to the Covina address.

The court has received a letter dated July 6, 2017, from Deborah M. Walker at the Covina address, in which she states that she is not the Debra Walker the plaintiff is looking for. She writes that her name is now “Deborah M. Walker,” following her marriage in November 2015, but she was known as “Deborah M. Hayward” before her marriage. Docket No. 20. For convenience, she will be referred to as “Ms. Walker nee Hayward.” In her letter, Ms. Walker nee Hayward states that she was an L.V.N., although she used the last name of Hayward rather than Walker for

1 that occupation, and was last employed as an L.V.N. in November 2012. *Id.* Most importantly,
2 Ms. Walker nee Hayward writes that she has “never lived or worked in Northern California and
3 [has] never been employed by Corizon Health, Inc.” *Id.* She sent a copy of her letter to Buckins,
4 but he has filed no responsive document.

5 There appears to be a genuine possibility that Buckins has caused the wrong person to be
6 served as a defendant in this action. If the wrong person has been served with the summons and
7 amended complaint, that error needs to be corrected promptly to avoid unnecessary worry and
8 expense for her.

9 Accordingly, no later than **September 8, 2017**, Buckins must file a statement in which he
10 states whether he disagrees with Ms. Walker nee Hayward’s assertion that she is not the Debra
11 Walker he wants to sue in this action. If he believes that Ms. Walker nee Hayward is the person
12 he dealt with at the Glenn Dyer Detention Facility and is the right person as a defendant, he must
13 state all the facts on which he bases that belief. He also must state how he learned the Covina
14 address to use for service of process.

15 **At this time, Ms. Walker nee Hayward does not need to do anything.** If Buckins’
16 written response suggests that Ms. Walker nee Hayward is the right person as a defendant, the
17 court will provide her an opportunity to file a response to his filing before making any decision. If
18 he agrees that she is not the right person, the court will issue an order ending her involvement in
19 the action. Either way, the court intends to issue a written decision by the end of September and
20 will send a copy to Ms. Walker nee Hayward.

21 The clerk shall mail a copy of this order to Deborah Walker nee Hayward at 19845 E.
22 Navilla Place, Covina, CA 91724-3420. The clerk also will mail a copy of Ms. Walker nee
23 Hayward’s letter (Docket No. 20) to plaintiff with this order.

24 **IT IS SO ORDERED.**

25 Dated: August 24, 2017



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27 SUSAN ILLSTON
United States District Judge

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