

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

JULEANA STEWART,
Plaintiff,
v.
CITY OF OAKLAND, et al.,
Defendants.

Case No. [17-cv-04478-MMC](#)

**ORDER DISCHARGING ORDER
DIRECTING PLAINTIFF TO SHOW
CAUSE WHY CLAIMS AGAINST
DEFENDANT FRANK MORROW
SHOULD NOT BE DISMISSED**

By order filed January 18, 2018, the Court directed plaintiff Juleana Stewart to show cause why her claims against defendant Frank Morrow ("Morrow") should not be dismissed for failure to timely serve the summons and complaint upon him. Before the Court are plaintiff's Response to Order to Show Cause, filed February 15, 2018, and a Supplemental Response to Order to Show Cause, filed February 16, 2018. Having read and considered plaintiff's filings, the Court hereby rules as follows.

In support of her initial Response, plaintiff has submitted a declaration from her counsel of record, along with the process server's proof of substituted service upon Morrow. Although, in connection with her Supplemental Response, plaintiff has submitted a letter her counsel received from Morrow, in which Morrow, inter alia, denies such service was proper, the Court finds plaintiff has made a sufficient showing to warrant discharge of its prior order.


//

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

Accordingly, the order to show cause is hereby DISCHARGED, without prejudice to Morrow's raising, by noticed motion, any challenge to the propriety of service.

IT IS SO ORDERED.

Dated: February 21, 2018


MAXINE M. CHESNEY
United States District Judge