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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
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6 GREGORY GRANT CHAPMAN, SR.,

7 Plaintiff,

8 vs.

9 U.S. EEOC and SAN FRANCISCO
10 NEWSPAPER AGENCY (THE CHRONICLE),

11 Defendants.

Case No: C 07-04775 SBA

ORDER DISMISSING ACTION

12 Plaintiff filed this employment discrimination action on September 17, 2007 against San
13 Francisco Newspaper Agency (The Chronicle) (“the San Francisco Chronicle”). On January
14 29, 2010, Plaintiff filed an amended complaint, naming as defendants the U.S. EEOC and the
15 San Francisco Chronicle. (Docket No. 25.) There is no indication in the record that Plaintiff
16 served the EEOC with the amended complaint. Independent of the service issue, this Court
17 notes that the EEOC, when not acting as an employer, is not a proper defendant in an
18 employment discrimination lawsuit. See Ward v. E.E.O.C., 719 F.2d 311, 313 (9th Cir. 1983).

19 On December 4, 2009, the San Francisco Chronicle filed a motion for summary
20 judgment on Plaintiff’s claims. (Docket No. 60.) On January 13, 2010, Plaintiff filed a motion
21 for summary judgment on his claims against the San Francisco Chronicle. (Docket No. 76.)
22 On February 11, 2010, this Court granted, in its entirety, the San Francisco Chronicle’s motion
23 for summary judgment. (Docket No. 80.) Accordingly,


24 IT IS HEREBY ORDERED THAT:

- 25 1. Plaintiff’s motion for summary judgment is DENIED as MOOT.
26 2. This action is DISMISSED under Federal Rule of Civil Procedure 4(m) due to
27 Plaintiff’s failure to serve the EEOC with the amended complaint.
28 3. The Clerk shall close the file and terminate any pending matters.

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IT IS SO ORDERED.

Dated: September 15, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge