

E-Filed 10/27/09

11 GRACE M. HONESTO,

12 No. C 09-03350 RS

13 Plaintiff,

14 STATE OF CALIFORNIA and ARNOLD
15 Defendants.16 /
17 ORDER DENYING RENEWED
18 MOTION REQUESTING SERVICE
19 OF PROCESS BY UNITED STATES
20 MARSHAL21 Plaintiff Grace Honesto, proceeding in *pro se*, renews her motion under Rule 4(c)(3) of the

22 Federal Rules of Civil Procedure for an order directing the United States marshal to serve summons

23 and complaint in this matter, at taxpayers' expense. Honesto has provided 16 summonses, with

24 copies of her complaint, that she wishes to have served on various individuals, including assorted

25 state court judges, attorneys general, district attorneys, prison officials, and former governors.

26 Although most, if not all, of these individuals are mentioned in Honesto's "statement of facts" that
the Court has deemed to be the operative complaint in this action, the only defendants of record are
the two listed by Honesto on her Civil Cover Sheet, namely the State of California, and its present
governor, Arnold Schwarzenegger.27 While the summonses are not complete in that Honesto failed to list her own address on
them, she has provided an address for each person she wishes to have served. However, Honesto

1 apparently continues to envision that the United States marshal will locate the various individuals'
2 home addresses and serve them there, particularly those who no longer hold public office.

3 Honesto misconstrues the purposes of Rule 4(c)(3), and the United States marshal's role
4 thereunder. In an appropriate case the Court may, in its discretion, order the marshal to serve
5 summons and complaint at an address or addresses provided by a plaintiff. The marshal cannot, at
6 public expense, function as an investigator to assist a private litigant in locating defendants. Nor in
7 any event would it be appropriate to order the marshal to serve a complaint on persons not named as
8 defendants therein.¹

9 The Court's prior order denying Honesto's motion without prejudice noted that she had not
10 submitted any summons to be served. Although she has now substantially complied with that
11 requirement, she has not made any new showing as to why service at taxpayer expense is necessary
12 and proper. As before, the only basis for her request is her claim that she does not know how to
13 locate the best addresses for serving all the individuals she wishes to have served, which, as noted in
14 the prior order and further explained above, is not sufficient. Under Rule 4(c)(2) service may be
15 carried out by any person over the age of 18 who is not a party to the action. Honesto thus may
16 either choose to hire a professional process server at her expense, or find someone over the age of
17 18 to carry it out as a favor to her. The motion is denied.

18 IT IS SO ORDERED.

19 Dated: 10/27/09



20 RICHARD SEEBORG
21 UNITED STATES MAGISTRATE JUDGE

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24 ¹ The Court recognizes that Honesto's complaint, liberally construed, appears intended to include
25 these additional individuals as defendants, although it is not apparent that a cognizable claim has
26 been or even could be stated against all of them. In any event, the present defendants of record are
27 only the State of California and Governor Arnold Schwarzenegger. Should Honesto wish to pursue
claims against additional individuals, she must file an amended complaint which plainly identifies
such persons as defendants in the caption (in substantially the same form as the caption on this
order) and which plainly sets out the facts as to why she believes each such person is liable to her.

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1 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

2
3 Grace M Honesto
4 11010 Orleans River Court
Rancho Cordova, CA 95670

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6
7 DATED: 10/27/09

8 /s/ Chambers Staff

9 Chambers of Magistrate Judge Richard Seeborg

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