

1 ****E-filed 08/03/2010****

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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10
11 GARY V. JERNIGAN,

No. C 09-5192 RS

12 Plaintiff,

ORDER RE SERVICE

13
14 v.

15 CALIFORNIA DEPARTMENT OF
16 CORRECTIONS AND REHABILITATION,
et al.,

17 Defendants.
18 _____/

19 On November 24, 2009, the Court issued an order granting plaintiff's application to proceed
20 in *forma pauperis*, and directing the U.S. Marshall to serve process on defendants. Defendants
21 assert that they received copies of the complaint and summons by mail, but that service was
22 defective because either service needed to be made personally, or if made by mail, then requests for
23 waiver of personal service and return envelopes should have been included in the materials provided
24 to them. Defendants further contend that the summonses purported to require a response within 20
25 days, which they point out is not correct for service by mail. The U.S. Marshall is directed to re-
26 serve the complaint, summons, any amendments, scheduling orders, attachments, plaintiff's
27 affidavit, the November 24, 2009 order, and this order, in compliance with Rule 4 of the Federal
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Rules of Civil Procedure. The Case Management Conference in this matter is hereby continued to
October 28, 2010.

Dated:08/03/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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

Gary V. Jernigan
1050 Weeks Street
East Palo Alto, CA 94303

DATED: 08/03/2010

/s/ Chambers Staff

Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.