

United States District Court  
For the Northern District of California

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

GARY EASLEY,

CASE NO. 5:10-cv-05520 EJD

Plaintiff(s),

**ORDER:**

v.

**1. DESIGNATING SERVICE OF  
PROCESS ON SUBSEQUENTLY-NAMED  
DEFENDANTS;**

COUNTY OF SAN BENITO, et. al.,

**2. VACATING AND RESCHEDULING  
CASE MANAGEMENT CONFERENCE.**

Defendant(s).

As Plaintiff filed an Amended Complaint on February 8, 2011 (see Docket Item No. 17), naming additional defendants, and in light of Plaintiff having been granted the ability to proceed in forma pauperis (see Docket Item No. 4), the court orders as follows:

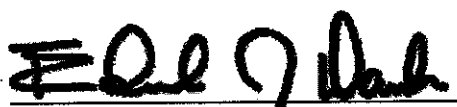
1. **No later than October 31, 2011**, Plaintiff shall prepare and provide to the Clerk's Office a Summons (Form AO-440) for each new defendant named in the Amended Complaint, which includes all of the information required by that form, including the address for service for each defendant. A copy of Form AO-440 is attached to this Order.
2. Once the Summons forms are provided to the Clerk's Office by Plaintiff, the U.S. Marshal for the Northern District of California shall serve a copy of the Amended Complaint and Summons on the defendants.

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- 3. Plaintiff is advised that failure to comply as directed herein may result in an Order striking the Amended Complaint.
- 4. Considering service has not yet been accomplished on all defendants, the court finds a Case Management Conference ("CMC") would be premature as this time. Accordingly, the CMC scheduled for October 14, 2011, is VACATED and rescheduled for December 9, 2011, at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: October 11, 2011

  
EDWARD J. DAVILA  
United States District Judge

**UNITED STATES DISTRICT COURT**

for the

Northern District of California

<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
	)	
<i>Defendant</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: