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DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RODNEY E. AKINS,

Plaintiff,

v.

PENNY HEDGECOTH, MICHAEL TORRES, AND DOES 3, 5-10,

Defendants.

Case No. 12cv00576 BTM (WVG)

ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF PROCESS SERVER

Plaintiff has filed a motion for appointment of a process server to personally serve Plaintiff's Summons and Third Amended Complaint on Defendants Hedgecoth and Torres. The motion is **DENIED** as being unnecessary. Defendants have been previously served with a Summons and copy of the Second Amended Complaint and no new defendants have been added in the Third Amended Complaint. (ECF no. 36, 37). "As long as the party to be served has appeared in the action, either through an attorney or in pro per, the amended pleading may be served by mail or by other means authorized by FRCP 5 . . . . It need not be accompanied by an additional summons." Judge William W. Schwarzer, et al., California Practice Guide: Federal Civil Procedure Before Trial § 8:1435 (The Rutter Group 2013). See also id. at § 8:1436; Fed. R. Civ. P. 4(b), (c).

DATED: October 2, 2013

BARRY TED MOSKOWITZ, Chief Judge
United States District Court