



1 complaint on Chase Bank. FED. R. CIV. P. 4; 28 U.S.C. § 1915(d).

2 Here, Plaintiff states under penalty of perjury that he filed the case on March  
3 13, 2013, and as of April 22, 2013, 41 days later, Chase Bank has not answered the  
4 complaint. *See* Doc. Nos. 4, 5. Plaintiff also includes a receipt, showing that on  
5 March 14, 2013, he paid the United States Postal Service \$2.72 to send a “First-  
6 Class Large Env” to Denver, Colorado, 80246. *See* Doc. No. 5. On this basis alone,  
7 Plaintiff requests that the Clerk enter default against Chase Bank. However, this is  
8 insufficient to warrant entry of default against Chase Bank. Federal Rule of Civil  
9 Procedure 4 allows service of process on a corporation by several specific methods  
10 as well as by “following state law for serving a summons.” *See* Fed. R. Civ. P.  
11 4(e)(1),(h). Plaintiff’s receipt from the post office does not constitute proof of  
12 legally effective service of process. The receipt merely demonstrates that Plaintiff  
13 paid to mail something in a large envelope via first class mail. Even if the Court  
14 were to assume that the envelope contained a copy of the summons and complaint,  
15 simply mailing the summons and complaint does not accomplish service on a  
16 corporation under Rule 4 or California state law. *See* Cal. Civ. Proc. Code §§  
17 416.10 *et seq.*

18 In sum, only proper service of the summons and complaint triggers a  
19 defendant’s obligation under the Federal Rules to serve and file a responsive  
20 pleading within the specified time period. There is no evidence in the record to  
21 demonstrate that Plaintiff has served Chase Bank with the summons and complaint  
22 in a legally effective manner, as required by Federal Rule of Civil Procedure 4(c).

23 Accordingly, the Court instructs the Clerk of Court not to enter default against  
24 Defendant Chase Bank.

25 **IT IS SO ORDERED.**

26 DATED: April 24, 2013

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28 Hon. Michael M. Anello  
United States District Judge