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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Selvin Carranza,  
  
Plaintiff,  
  
v.  
  
Edmund G. Brown, et al.  
  
Defendants.

Case No.: 14-cv-0773-GPC-AGS  
**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME AND SERVICE ASSISTANCE [Doc. 90]**

Plaintiff Selvin Carranza seeks to (1) extend time to effectuate service, (2) order the California Attorney General to accept service for the unserved defendants, and (3) direct the Attorney General to provide the unserved defendants' forwarding addresses in a confidential memo to the U.S. Marshal Service. [Doc. 90.] The 12 unserved defendants are: R. Casper, R. Lopez, C. P. Franco, Morales (first name unknown), R. Lemon, R. Demesas, Michael Stout, L. Brown, R. Thaxton, J. Ojeda, Sanchez (an R.N., first name unknown), and Molina (first name unknown). [Docs. 45-55, 83.]

The Court **GRANTS** Carranza's motion for a 90-day extension to effect service and for service assistance. If the plaintiff shows good cause for the failure to serve, a court may extend the service time for an appropriate period. Fed. R. Civ. P. 4(m); *cf. Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007). Here Carranza issued summonses on January 24, 2017—within the 90-day time limit for service. The 12 unexecuted

1 summonses were returned on March 9, March 15, and April 5. [Docs. 45-55, 83.] The  
2 Court ordered additional service forms be given to Carranza to finish service on April 18,  
3 and he requested this extension of time on May 3, 2017. [Docs. 86, 90.] Carranza states  
4 he has been unable to receive access to the materials he needed to serve the large amount  
5 of defendants in this case and it took him a great deal of time to complete this process. He  
6 also collected the information he provided in his motion to help identify the unserved  
7 defendants. Because Carranza began service within the time allotted by Rule 4(m), and  
8 has given a good faith effort to assist the Attorney General and U.S. Marshal with  
9 identifying these individuals, the Court finds Carranza has shown good cause for an  
10 extension.

11 The Court also **GRANTS** Carranza's request for service assistance. When an  
12 incarcerated plaintiff proceeds in forma pauperis, he is entitled to rely on the U.S. Marshal  
13 to serve defendants. Fed. R. Civ. P. 4(c)(3); *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir.  
14 1994). Here the defendants could not be served because there are multiple officers with  
15 the same last name as one defendant, another needed verification he is the same person  
16 named in the lawsuit, several retired, and several were no longer employed at that location.  
17 In his current motion, Carranza provided detailed descriptions of each defendant to assist  
18 the litigation coordinator with identifying unknown individuals. For those defendants who  
19 retired, presumably one reason the U.S. Marshal Service could not complete service was  
20 due to the confidential nature of their forwarding addresses.

21 To overcome this issue, as long as the privacy of defendants' addresses can be  
22 preserved, Carranza may rely on the U.S. Marshal Service to effect service as to all  
23 unserved defendants on his behalf. *See Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir.  
24 1990). For each defendant in the 12 unexecuted summonses, the Attorney General's office  
25 shall obtain from the R.J. Donovan Correctional Facility that person's last known contact  
26 information and provide this information to the U.S. Marshal in a *confidential*  
27 *memorandum* stating that the summons and the Second Amended Complaint are to be  
28 delivered to the specified address. The Deputy Attorney General assigned to this case

1 shall provide the U.S. Marshal Service with any such information by **May 26, 2017**. As to  
2 the defendants whose first names are not listed, defense counsel shall contact the litigation  
3 coordinator at R.J. Donovan Correctional Facility and provide the coordinator with the  
4 description and identifying information contained in Carranza's current motion. [See  
5 Doc. 90, at 6-7.]

6 Within 45 days of the receipt of any available addresses, the U.S. Marshal Service  
7 shall serve the 12 unserved defendants—or as many of them as can be located—a copy of  
8 Carranza's Second Amended Complaint and summons. The Court Clerk shall provide a  
9 copy of this Order, the Second Amended Complaint, a summons, and a blank U.S. Marshal  
10 Form 285 to defense counsel for purposes of re-attempting service. Both defense counsel  
11 and the Marshal Service must keep any address provided strictly confidential. Thus, no  
12 address shall appear on any U.S. Marshal Form 285, be provided to Carranza, or be made  
13 part of the Court's record. In the event that the Correctional Facility does not have updated  
14 addresses, or cannot ascertain a defendant's first name, defense counsel shall file a  
15 declaration with the Court to that effect by **May 26, 2017**.

16 Finally, Carranza's request that the Court order Deputy Attorney General Tiffany  
17 Johnson to accept service on behalf of the 12 unserved defendants is **DENIED**. [Doc. 90,  
18 at 6.] The Deputy's representation of all served defendants thus far is "insufficient to  
19 demonstrate that the Attorney General's office is authorized to accept service" for the 12  
20 unserved defendants. See *Laundau v. Voss*, No.1:07-cv-00815 AWI FLB PC, 2009 WL  
21 1010065, \*1, \*2 (E.D. Cal. Apr. 14, 2009). While the Deputy may ultimately represent the  
22 unserved defendants, there has been no appearance on their behalf yet. Thus, the Court  
23 cannot order the Deputy to accept service for the unserved defendants.

24 Dated: May 11, 2017

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27 Hon. Andrew G. Schopler  
28 United States Magistrate Judge