

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Brenda Gaines Hunter v. Crystal Noel Carter, Mark Hawk,
Permanente Medical Group, Kaiser Foundation Health Plan, Inc.,
and Kaiser Foundation Hospital**

Hunter v. Carter · No. No. 2:25-cv-2076 DAD AC PS · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of California ruled on the pro se plaintiff’s motions concerning electronic filing, waiver of post-filing litigation costs, and service on defendant Mark Hawk. The court denied permission to file electronically and denied the requested cost waiver, but granted electronic service, extended the service deadline to February 24, 2026, and permitted substitute service at Hawk’s place of employment. The court denied service through counsel, declined to direct the U.S. Marshals to serve Hawk, and denied without prejudice the request to shift service costs to him.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	No. 2:25-cv-2076 DAD AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved for permission to file documents electronically, relief from post-filing litigation costs, and an extension of time and related relief concerning service on defendant Mark Hawk. The magistrate judge denied some requests, granted some in part, and granted a sixty-day extension for service.
STANDARD OF REVIEW	The order applied the governing Federal Rules of Civil Procedure and statutes to the requested procedural relief; no separate appellate standard of review was stated.
PRECEDENTIAL VALUE	Nonprecedential district-court order; precedential status is unknown in the source metadata.

TOPICS

service of process costs civil procedure pleadings

PRACTICE AREAS

Civil procedure Federal courts Service of process In forma pauperis procedure

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to file future documents electronically as a pro se litigant.
2. Whether 28 U.S.C. § 1915 authorizes waiver of post-filing litigation costs after the filing fee has been paid.
3. Whether plaintiff established good cause for extending the time to serve defendant Mark Hawk.
4. Whether plaintiff could serve Mark Hawk through attorney Bryce Gray.
5. Whether plaintiff could use substitute service at Mark Hawk's place of employment under California law.
6. Whether the United States Marshals Service should be ordered to serve Mark Hawk.
7. Whether service costs should be shifted to Mark Hawk because he did not waive service.

HOLDINGS

1. A pro se litigant may electronically file documents only with court permission or as authorized by local rule. Because plaintiff did not provide the required stipulation, defendant signatures, or an adequate case-specific justification, her request to electronically file documents was denied, although electronic service was permitted.
2. 28 U.S.C. § 1915 does not authorize waiver of post-filing litigation fees and costs, including subpoena, deposition, transcript, records, copying, and document-service costs. Plaintiff's motion for relief from those costs was denied.
3. Plaintiff established good cause for an extension because she reasonably relied for most of the ninety-day service period on Gray's representation that he would obtain authority to waive service for all defendants, and Gray ultimately obtained such authority for four of the five defendants. The service deadline was extended by sixty days, to February 24, 2026.
4. Plaintiff could not serve Mark Hawk by serving Bryce Gray because the record did not establish that Gray was an agent authorized by appointment or law to accept service for Hawk. The request was denied.
5. Plaintiff may use substitute service on Mark Hawk's place of employment if she complies with California Code of Civil Procedure § 415.20(b). To the extent court authorization was necessary, the court granted it.
6. The court declined to order the United States Marshals Service to serve Mark Hawk because plaintiff was not proceeding in forma pauperis and had not otherwise shown entitlement to marshal service.

7. The request to shift service costs to Mark Hawk was denied without prejudice because cost shifting under Rule 4(d)(2) depends on a showing that Hawk lacked good cause for refusing to waive service, and Hawk had not yet had an opportunity to present his reasons.

KEY QUOTATIONS

“The Supreme Court has held that “the expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress” rather than whenever Congress has not expressly prohibited it.” (at 2)

“Critically, this means plaintiff does not need the court’s leave to serve someone through substitute service as permitted by California law.” (at 6)

FACTUAL BACKGROUND

Plaintiff proceeded pro se and paid the filing fee after initially seeking in forma pauperis status. She asserted that she could not afford subpoena, deposition, transcript, records, and other litigation costs. Plaintiff also described unsuccessful attempts to personally serve Mark Hawk and relied for more than two months on attorney Bryce Gray's representation that he would likely obtain authority to accept or waive service for all defendants, although Gray ultimately returned waivers for only four defendants.

PROCEDURAL HISTORY

Plaintiff filed this civil-rights action and initially sought leave to proceed in forma pauperis, but paid the filing fee, mooted that request. Four of five defendants returned executed waivers of service; defendant Mark Hawk did not. Plaintiff then filed the motions addressed in this order.

DISPOSITION

other

CASES CITED

- United States v. MacCollom, 426 U.S. 317, 321 (1976)
- Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989)
- Beckely v. Raith, No. C 13-02707 WHA, 2013 U.S. Dist. LEXIS 147621, 2013 WL 5568237 (N.D. Cal. Oct. 9, 2013)
- Porter v. Department of Treasury, 564 F.3d 176, 180 n.3 (3d Cir. 2009)
- Khokhar v. J C K American Transport, Case No. EDCV 24-01529-MWF, 2025 WL 2427976, at *3, 2025 U.S. Dist. LEXIS 195026, at *3 (C.D. Cal. July 29, 2025)

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