

U.S. Department of Justice  
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF Samuel Acy Wesley, II	COURT CASE NUMBER KEY CV06-2628-PHX-EHC-LOA
DEFENDANT Dora Schriro, et al	TYPE OF PROCESS Summons/Complaint/Order

**SERVE** } NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

**AT** } ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

Volanda Martinez  
\*\*\*\*FILED UNDER SEAL\*\*\*\*

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Samuel Acy Wesley, II #142472 ASPC-Florence-SMUI PO Box 4000 Florence, AZ 85232	Number of process to be served with this Form - 285 1
	Number of parties to be served in this case 7
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
SEP 26 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	

Signature of Attorney or other Originator requesting service on behalf of: *[Signature]*

PLAINTIFF  
 DEFENDANT

TELEPHONE: *[Redacted]* DATE: 9/07/07

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 08	District to Serve No. 08	Signature of Authorized USM S Deputy or Clerk <i>[Signature]</i>	Date 9/11/07
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only if different than shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service: 9/24/07 Time: 0930 am

Signature of U.S. Marshal or Deputy: *[Signature]*

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:  
9/24/07 - Received waiver signed by AAG Wanda Hoffman

W AIVER OF SERVICE OF SUMMONS

TO: Samuel Arq Wesley, II  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Yolanda Martinez, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Wesley vs. Schriro, et al  
(CAPTION OF ACTION)

which is case number CVD062628PHX-ETC-LOA in the United States District Court  
(DOCKET NUMBER)

for the \_\_\_\_\_ District of Arizona

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 9/11/07  
9-7-07  
(DATE REQUEST WAS SENT)

9/19/07 (DATE) WE Hofmann (SIGNATURE)

Printed/Typed Name: Wanda E. Hofmann  
Counsel for Defendant  
As Asst. Atty. General of Yolanda Martinez  
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.