UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GLEN MISTRIEL,	**CASE NO. 1:03-cv-06922-AWI-SKO**
Plaintiff,	**ORDER DIRECTING SERVICE BY THE UNITED STATES MARSHALS SERVICE**
v.	**WITHOUT PREPAYMENT OF COSTS**
KERN COUNTY, et al.,	
Defendants.	

The Court previously found service of the third amended complaint appropriate. Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY ORDERED that:

1. For each defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service:

    (1) One completed and issued summons;

    (2) One completed USM-285 form;

    (3) One copy of the third amended complaint filed on October 10, 2010, plus an extra copy for the Marshals Service; and

    (4) One copy of this order, plus an extra copy for the Marshals Service.

2. Within ten (10) days from the date of this order, the Marshals Service is directed to notify the following defendants of the commencement of this action and to request a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28

U.S.C. § 566(c):

        Glen Brown

        Sally Rockholt

        San Felipe Boys Home

        The City of Bakersfield

        The County of Kern

3.   The Marshals Service shall file returned waivers of service as well as any requests for waivers of service that are returned as undelivered as soon as they are received.

4.   If a waiver of service is not returned by a defendant within sixty (60) days of the date of mailing the request for waiver, the Marshals Service shall:

    a.   Personally serve process and a copy of this order upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c);

    b.   Within ten (10) days after personal service is effected, the Marshals Service shall file the return of service for the defendant, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said defendant. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshals Service for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against the personally served defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

5.   **If defendants waive service, they are required to return the signed waivers to the Marshals Service. The filing of an answer or a responsive motion does not relieve defendants of this requirement, and the failure to return the signed waivers may subject defendants to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).**

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1   6.   In the event that defendants either waive service or are personally served, defendants

2   are required to reply to the complaint. 42 U.S.C. § 1997e(g)(2).

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4   IT IS SO ORDERED.

5   **Dated: July 15, 2011**   **/s/ Sheila K. Oberto**
                                                UNITED STATES MAGISTRATE JUDGE