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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 DERWIN JULES JACKSON,

11 Plaintiff,

12 v.

13 W. SULLIVAN, et al.,

14 Defendants.  
15  
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1:07-cv-00178-DAD-GSA-PC

**ORDER DIRECTING PERSONAL  
SERVICE OF CIVIL SUBPOENA  
UPON PROSPECTIVE WITNESS BY  
THE UNITED STATES MARSHALS  
SERVICE, WITHOUT  
PREPAYMENT OF COSTS**

17 This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Derwin Jules  
18 Jackson, a state prisoner proceeding with counsel and *in forma pauperis*. This case is  
19 scheduled for jury trial on March 6, 2018, at 1:00 p.m., before the Honorable Dale A. Drozd.

20 On January 26, 2018, Plaintiff filed notice (ECF No. 120) that he mailed the following  
21 documents to the court in compliance with the court's order issued on December 21, 2017  
22 (ECF No. 109), to initiate service of a civil subpoena upon prospective witness Rick Manuel:

- 23 1. Subpoena for Rick Manuel;  
24 2. Completed USM-285 forms and  
25 3. Money order for the witness's travel expenses and witness fees.

26 On January 29, 2018, the court received Plaintiff's documents. The court finds  
27 Plaintiff's subpoena, money order, and USM-285 form appropriate for personal service by the  
28 U.S. Marshals Service. Fed. R. Civ. P. 45; 28 U.S.C. § 566(c).

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. For service upon prospective witness Rick Manuel, the Clerk of the Court is  
3 directed to forward the following documents to the U.S. Marshals Service:  
4 a. One (1) completed and issued civil subpoena;  
5 b. One (1) completed USM-285 form;  
6 c. A money order made payable to the prospective witness; and  
7 d. Two (2) copies of this order, one to accompany the subpoena and one for  
8 the U.S. Marshals Service;
- 9 2. Within **FOURTEEN (14) DAYS** from the date of service of this order, the U.S.  
10 Marshals Service is **DIRECTED** to effect **personal service** of the subpoena and  
11 money order, along with a copy of this order, upon the following individual,  
12 pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. §  
13 566(c):
- 14 **RICK MANUEL**
- 15 3. The U.S. Marshals Service is **DIRECTED** to retain a copy of the subpoena in its  
16 file for future use;
- 17 4. Within **TEN (10) DAYS** after personal service is effected, the U.S. Marshals  
18 Service **SHALL** file the return of service, along with the costs subsequently  
19 incurred in effecting service. Said costs shall be enumerated on the USM-285  
20 form and shall include the costs incurred by the U.S. Marshal Service for  
21 photocopying additional copies of the subpoena and USM-285 form, and for  
22 preparing a new USM-285 form, if required.

23  
24 IT IS SO ORDERED.

25 Dated: January 31, 2018

/s/ Gary S. Austin  
26 UNITED STATES MAGISTRATE JUDGE  
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