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Oba Lee Frelimo,)	No. 1:08-CV-01040-SMM
)	
Plaintiff,)	ORDER
)	
vs.)	
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)	
J. Garcia, et al.,)	
)	
Defendants.)	
)	
)	

On February 22, 2010, the U.S. Marshal Service filed a Request for Court Order Reimbursing U.S. Marshal Service Fees (Doc. 31). The U.S. Marshal seeks reimbursement of the service fees incurred with serving G. Smith in the total amount of \$250.25. In an Order dated March 9, 2010, the Court found that the California Department of Corrections, rather than Defendants, should pay the service fees to the U.S. Marshal (Doc. 34). The Court provided the California Department of Corrections the option to pay the service fees to the U.S. Marshal now, or alternatively, to defer the costs to the conclusion of the case when judgment is entered. The California Department of Corrections was ordered to inform the Court as to its election by March 26, 2010. This Order was mailed to Plaintiff as well as to the Senior Staff Counsel at the Office of Legal Affairs handling this case.

To date, nothing has been filed with the Court regarding service fees. The Court will provide the California Department of Corrections with one more opportunity to inform the Court of its decision as to when the service fees will be paid.

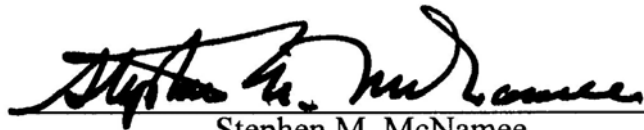
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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the California Department of Corrections has the
3 option to pay the service fees to the U.S. Marshal now, or alternatively, to defer the costs to
4 the conclusion of the case when judgment is entered. The California Department of
5 Corrections shall inform the Court of its election by **April 30, 2010**.

6 **IT IS FURTHER ORDERED** that a copy of this Order be mailed to Stephanie
7 Wheatley, Senior Staff Counsel, Office of Legal Affairs, P.O. Box 942883, Sacramento, CA
8 94283-0001, in addition to Plaintiff.

9 DATED this 16th day of April, 2010.

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12 Stephen M. McNamee
13 United States District Judge
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