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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS JIMENEZ,	CASE NO. 1:08-cv-01419-LJO-SKO PC
Plaintiff,	ORDER DENYING USM’S REQUEST FOR REIMBURSEMENT OF PERSONAL SERVICE COSTS AND DIRECTING CLERK’S OFFICE TO SERVE ORDER ON USM
v.	(Doc. 40)
DR. M. SPAETH,	
Defendant.	

Plaintiff Carlos Jimenez, a state prisoner proceeding in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 23, 2008. This action is proceeding on Plaintiff’s second amended complaint against Defendant Spaeth for violation of the Eighth Amendment arising out of allegedly inadequate medical care. Pending before the Court is the United States Marshal’s request for reimbursement of costs incurred in effecting personal service on Defendant. Fed. R. Civ. P. 4. Defendant filed an objection to the request on July 14, 2011.

The Court ordered the USM to initiate service of process by order filed March 10, 2011. On May 6, 2011, Defendant filed a waiver of service and an answer to the second amended complaint. The USM referred the case for personal service on May 31, 2011, and personal service was effected on June 15, 2011.

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1 Because the USM effected personal service on Defendant after he filed an answer, the Court
2 declines to require Defendant to reimburse the USM for the cost of personal service.¹ (Service
3 Order, Doc. 28, ¶6.) Accordingly, the request is HEREBY DENIED and the Clerk’s Office SHALL
4 serve a copy of this order on the USM in Sacramento.

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7 IT IS SO ORDERED.

8 **Dated: December 1, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ The Court recently changed its procedures and the defendants are now warned that if they fail to return
waivers of service to the USM, costs of personal service will be taxed against them, regardless of the filing of an
answer or a motion. Those changes post-date the service issue in this case, however.