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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS,

Plaintiff,

v.

RUSSELL YORK, et al.,

Defendants.

CASE NO. 1:09-cv-00463-AWI-BAM PC

ORDER REQUIRING DEFENDANT CALVERT TO PAY TO THE UNITED STATES MARSHAL THE COSTS INCURRED IN EFFECTING SERVICE

(ECF Nos. 63, 65, 66, 68)

/ TWENTY DAY DEADLINE

Plaintiff Michael Eugene Hollis (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 27, 2012, the United States Marshal filed a request for reimbursement for the cost of effecting personal service on Defendant Calvert. On May 3, 2012, an order issued providing Defendant Calvert with the opportunity to show good cause for his failure to waive service. On May 14, 2012, Defendant Calvert filed a statement of non-opposition to the imposition of costs.

Rule 4 provides that “[a]n individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons.” Fed. R. Civ. P. 4(d)(1). “If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant . . . the expenses later incurred in making service” Fed. R. Civ. P. 4(d)(2)(A).

Defendant Calvert was given the opportunity to show good cause for failing to waive service as required by Rule 4(d)(1) and Defendant Calvert does not oppose the imposition of costs.

1 Defendant has not shown good cause for failing to waive service. The costs incurred by the Marshal
2 in effecting service shall therefore be imposed on Defendant.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Within **twenty (20) days** from the date of this order, Defendant Calvert shall
5 pay to the United States Marshal the sum of \$55.51;
- 6 2. The Clerk of the Court is directed to serve a copy of this order on the U.S.
7 Marshal, Sacramento, California; and
- 8 3. The Clerk of the Court is directed to serve a copy of this order on Defendant
9 Calvert.

10 IT IS SO ORDERED.

11 **Dated: May 15, 2012**

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE