



1 extra copy for the Marshal;

2 (5) One copy of the court's consent form for each defendant to be  
3 served.

4 2. Within ten days from the date of this order, the United States Marshal is directed  
5 to notify the following defendants of the commencement of this action and to  
6 request a waiver of service in accordance with the provisions of Fed. R. Civ. P.  
7 4(d) and 28 U.S.C. § 566(c):

8 Officer Fredrick Williams

9 Officer Haywood Irving

10 Officer David Wilkin

11 Officer Bernard Finley

12 Fresno Police Department

13 3. The United States Marshal is directed to retain the summons and a copy of the  
14 complaint in their file for future use.

15 4. The United States Marshal shall file returned waivers of service as well as any  
16 requests for waivers of service that are returned as undelivered as soon as they are  
17 received.

18 5. If a waiver of service is not returned by a defendant within sixty days of the date of  
19 mailing the request for waiver, the United States Marshal shall:

20 a. Personally serve process and a copy of this order upon the defendant  
21 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C.  
22 § 566(c).

23 b. Within ten days after personal service is effected, the United States  
24 Marshal shall file the return of service for the defendant, along with  
25 evidence of any attempts to secure a waiver of service of process and of  
26 the costs subsequently incurred in effecting service on said defendant. Said  
27 costs shall be enumerated on the USM-285 form and shall include the costs  
28 incurred by the Marshal's office for photocopying additional copies of the

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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).

6. In the event that defendants make an appearance in this action by filing an answer, dispositive motion, or other pleading, the U.S. Marshals Service need not personally serve those defendants.

7. In the event that defendants either waive service or are personally served, defendants are required to reply to the complaint. 42 U.S.C. §1997e(g)(2).

IT IS SO ORDERED.

**Dated: December 1, 2009**

**/s/ Dennis L. Beck**  
**UNITED STATES MAGISTRATE JUDGE**