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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEENAN HURT,

CASE NO. 1:09-cv-00698-YNP PC

Plaintiff,

ORDER

v.

DINNIS SMITH, et al.,

Defendants.

Plaintiff Keenan Hurt (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors.

In an order issued concurrently with this order, the Court found that Plaintiff’s First Amended Complaint, filed on September 28, 2009, stated a claim against the United States for negligence under the Federal Tort Claims Act.¹ Federal Rule of Civil Procedure 4(i) provides the requirements for serving the United States.² Plaintiff is proceeding in forma pauperis under 28 U.S.C. § 1915.

¹The screening order dismissed Plaintiff’s equal protection claims.

²Federal Rule of Civil Procedure 4(i) states:

(1) To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought--or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk--or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office;

1 Pursuant to Federal Rule of Civil Procedure 4(c)(3), Plaintiff is entitled to have service be made by
2 a United States marshal.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Clerk of the Court is directed to forward the following documents to the U.S. Marshal
5 Service:

6 (1) one completed and issued summons;

7 (2) one copy of the First Amended Complaint filed on September 28, 2009, plus an
8 extra copy for the U.S. Marshal Service;

9 (4) one copy of this order, plus an extra copy for the U.S. Marshal Service; and

10 (5) one copy of the Court's Order Re Consent or Request for Reassignment;

11 2. the U.S. Marshal Service is directed to effect service upon the United States in accordance
12 with the provisions of Federal Rule of Civil Procedure 4(i); and

13 3. the U.S. Marshal Service is directed to retain the summons and a copy of the complaint
14 in its file for future use.

15 IT IS SO ORDERED.

16 **Dated:** November 13, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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27 (B) send a copy of each by registered or certified mail to the Attorney General of
28 the United States at Washington, D.C.; and
(C) if the action challenges an order of a nonparty agency or officer of the United States, send a
copy of each by registered or certified mail to the agency of officer.