

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KAREEM STANSBURY,

CASE NO.: 1:09-CV-1042-SMS (PC)

Plaintiff.

ORDER DENYING MARSHAL'S MOTION FOR REIMBURSEMENT

UNITED STATE GOVERNMENT, et al.,

Defendants.

Plaintiff Kareem Stansbury, a federal prisoner, filed this civil action on June 15, 2009, alleging violations of his civil rights by federal actors. The named defendants were the "United States Government" and two correctional officers, "P. Torres" and "Campos."

On January 29, 2010, the Court ordered the United States Marshal to serve process upon defendants Campos and Torres. Doc. 13. The Marshal was directed to attempt to secure a waiver of service before attempting personal service. If a defendant did not return a waiver of service within sixty days, the Marshal was directed to effect personal service in accordance with the provisions of Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c), without prepayment of costs, and to file the return of service with evidence of any attempt to secure a waiver of service and with evidence of all costs subsequently incurred in effecting personal service.

The U.S. Attorney was served in Sacramento. Doc. 14. Defendant P. Torres waived service in April 2010. Doc. 15. The record is silent as to service or attempts to effect service on Defendant Campos at this time. On June 27, 2011, in response to a motion brought by Defendant Torres, the Court dismissed the case based on Plaintiff's failure to exhaust and entered judgment.

For unexplained reasons, the Marshal did not personally serve Defendant Campos until January 17, 2014, more than two and one-half years after the case was closed. Doc. 29. On January 30, 2014, the Marshal moved for reimbursement of the costs associated with serving Defendant Campos.

The Marshal's having failed to serve Defendant Campos until long after the case was closed, its motion for reimbursement of expenses of service is hereby DENIED.

IT IS SO ORDERED.

Dated: November 26, 2014

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE