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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALEX AGUILAR,

Plaintiff,

v.

OFFICER JASON HOOVER, et al.,

Defendants.

CASE NO. 1:09-cv-1849-AWI-SMS

ORDER DIRECTING SERVICE BY THE
UNITED STATES MARSHALS SERVICE
WITHOUT PREPAYMENT OF COSTS

The Court having previously found service of the First Amended Complaint appropriate,
it is HEREBY ORDERED, pursuant to Federal Rule of Civil Procedure 4(c), that:

1. For *each* defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service:
 - (1) One completed and issued summons;
 - (2) One completed USM-285 form;
 - (3) One copy of the First Amended Complaint filed on February 22, 2011, plus an extra copy for the Marshals Service;
 - (4) One copy of this order, plus an extra copy for the Marshals Service; and
 - (5) One copy of the Court’s consent form.
2. Within ten days from the date of this order, the Marshals Service is directed to notify the following defendants of the commencement of this action and to request

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1 a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and
2 28 U.S.C. § 566(c):

3 Officer Jason Hoover

4 Fresno Police Department

- 5 3. The Marshals Service is directed to retain its copies of the summons and the
6 complaint in its file for future use.
- 7 4. The Marshals Service shall file returned waivers of service as well as any requests
8 for waivers of service that are returned as undelivered as soon as they are
9 received.
- 10 5. If a waiver of service is not returned by a defendant within sixty days of the date
11 of mailing the request for waiver, the Marshals Service shall:
- 12 a. Personally serve process and a copy of this order upon the defendant
13 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C.
14 § 566(c), and shall command all necessary assistance from the Fresno
15 Police Department to execute this order. The Marshals Service shall
16 maintain the confidentiality of all information provided by the Fresno
17 Police Department pursuant to this order. .
- 18 b. Within ten days after personal service is effected, the Marshals Service
19 shall file the return of service for the defendant, along with evidence of
20 any attempts to secure a waiver of service of process and of the costs
21 subsequently incurred in effecting service on said defendant. Said costs
22 shall be enumerated on the USM-285 form and shall include the costs
23 incurred by the Marshals Service for photocopying additional copies of the
24 summons and complaint and for preparing new USM-285 forms, if
25 required. Costs of service will be taxed against the personally served
26 defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).
- 27 6. **If Defendants waive service, they are required to return the signed waivers to**
28 **the Marshals Service. The filing of an answer or a responsive motion does**

