DERRICK J. THOMAS,

STANISLAUS COUNTY, et al.,

Defendants.

v.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Plaintiff, ORDER DISCHARGING ORDERS TO SHOW CAUSE AND DENYING MARSHAL'S REQUEST FOR REIMBURSEMENT OF

COSTS INCURRED IN EFFECTING
PERSONAL SERVICE ON DEFENDANTS
CHRISTIANSON AND LEGURIA

CASE NO. 1:09-cv-02015-AWI-SKO PC

(Docs. 24-27)

ORDER DIRECTING CLERK'S OFFICE TO SERVE ORDER ON MARSHAL'S SACRAMENTO OFFICE

This is a civil rights action pursuant to 42 U.S.C. § 1983 by Plaintiff Derrick J. Thomas, a prisoner proceeding pro se and in forma pauperis. On April 24, 2012, the United States Marshal filed requests seeking reimbursement of the costs incurred in effecting personal service on Defendants Christianson and Leguria. Fed. R. Civ. P. 4(d)(2). (Docs. 24, 25.) Filed concurrently were the USM-285 forms showing that waivers of service were not returned by either Defendant and personal service was effected on March 28, 2012, via acceptance of service by a supervisor with the County. (Docs. 22, 23.) On April 26, 2012, the Court ordered Defendants to show cause why the cost of personal service should not be taxed against them. Defendants filed a response on April 26, 2012, following their receipt of the Marshal's request for reimbursement.

diligent search, a separate waiver form for Defendant Christianson was not found. Defendant 1 2 represents that it was his intent to return his waiver and, although he can do no more than speculate, 3 the waiver must have been misplaced. 4 Regarding Defendant Leguria, she left employment with the County approximately three 5 years ago and service could not have been properly accepted on her behalf. 6 The Court finds that given all the circumstances, including the fact that Defendant 7 Christianson did execute and return a waiver for the Sheriff's Department, good cause has been shown pursuant to Federal Rule of Civil Procedure 4(d)(2). Accordingly, it is HEREBY ORDERED 8 9 that: 1. 10 The orders to show cause why costs should not be taxed against Defendants 11 Christianson and Leguria, filed on April 26, 2012, are discharged; 12 2. The Marshal's requests for reimbursement of the cost of personal service, filed on 13 April 24, 2012, are denied; and 3. 14 The Clerk's Office shall serve a copy of this order on the Marshal's Sacramento Office. 15 16 17 IT IS SO ORDERED. 18 **Dated:** May 4, 2012 /s/ Sheila K. Oberto UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28