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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOPHIA LOPEZ,

Plaintiff,

vs.

MARTHA JOHNSON and RENEE
RICHARDSON, et al.,

Defendants.

Case No. 1:09-cv-02174 LJO JLT

ORDER GRANTING REQUEST FOR
REIMBURSEMENT

(Doc. 32)

_____/

Plaintiff is proceeding pro se and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On August 23, 2010, the Court ordered the United States Marshal to serve process upon Defendants Renee Richardson, in her individual capacity, and the Kern County Housing Authority. (Doc. 25.) The Marshal was directed to attempt to secure a waiver of service before attempting personal service on Defendants. If a waiver of service was not returned within sixty days, the Marshal was directed to effect personal service on Defendants in accordance with the provisions of Rule 4 of the Federal Rule of Civil Procedure, 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.

On February 7, 2011, the United States Marshal filed a return of service with a USM-285 form showing total charges of \$329.50 for effecting personal service on Defendant Richardson and

1 and total charges of \$329.50 for effecting personal service on the Kern County Housing Authority.
2 (Doc. 32.) The USM-285 form also shows that waiver of service forms were mailed to each of the
3 defendants on October 5, 2010, and that no response was received from either defendant as of
4 December 22, 2010. (Id.)

5 Rule 4 of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

6 An individual, corporation, or association that is subject to service under subdivision
7 (e), (f), or (h) and that receives notice of an action in the manner provided in this
8 paragraph has a duty to avoid unnecessary costs of serving the summons

9 If a defendant located within the United States fails to comply with a request for
10 waiver made by a plaintiff located within the United States, the court shall impose
11 the costs subsequently incurred in effecting service on the defendant unless good
12 cause for the failure be shown.

13 Fed. R. Civ. P. 4(d)(2). The Court finds that Defendants Renee Richardson and the Kern County
14 Housing Authority were given the opportunity required by Rule 4(d)(2) to waive service but failed
15 to comply with the request.

16 Accordingly, it is **HEREBY ORDERED** that:

- 17 1. The February 7, 2011 request by the United States Marshal for reimbursement of
18 service fees related to effecting personal service on Defendants Richardson and the
19 Kern County Housing Authority (Doc. 32) is **GRANTED**.
- 20 2. Within twenty-one days from the date of this order Defendants Richardson and the
21 Kern County Housing Authority shall each pay \$329.50 to the United States Marshal,
22 unless within that time a defendant files a written statement showing good cause for
23 her failure to waive service. Defendants are warned that the Court does not intend
24 to extend this twenty-one day period.
- 25 3. The Clerk of the Court is directed to serve a copy of this order on the United States
26 Marshal.

27 IT IS SO ORDERED.

28 Dated: February 9, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE