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

ALBERT POON,

Case No. 1:10-cv-0028-AWI-JLT

Plaintiff,

vs.

ORDER DIRECTING MARSHALS TO
SERVE DEFENDANTS

KERN COUNTY SHERIFF'S
DEPUTY JOHN DOE, et al.,

Defendants.

_____ /

Plaintiff, Albert Poon, is proceeding pro se and in forma pauperis in this action. This Court ordered plaintiff to provide information for service of process on Form U.S.M.-285, sufficient copies of the complaint for service, and a notice of compliance. Plaintiff has filed the required papers. On the basis of good cause, this Court:

1. DIRECTS this Court's clerk to forward to the U.S. Marshal:
 - a. One completed and issued summons for each defendant to be served;
 - b. One completed Form U.S.M.-285 for each defendant to be served;
 - c. One copy of the complaint filed on March 16, 2010, for the defendant to be served, plus an extra copy for the U.S. Marshal;
 - d. One copy of this order for each defendant to be served, plus an extra copy

1 for the U.S. Marshal; and

2 e. One copy of the Court's consent form for each defendant to be served.

3 2. DIRECTS the U.S. Marshal, within 10 days from this order's date, to notify each
4 defendant, Defendant Sheriff Deputy John Doe, Sheriff Donny Youngblood and
5 the County of Kern, of the commencement of this action and to request a waiver
6 of service in accordance with Federal Rule of Civil Procedure 4(d) and 28 U.S.C.
7 § 566(c).

8 3. DIRECTS the U.S. Marshal to file returned waivers of service and a copy of the
9 complaint in its file for future use.

10 4. DIRECTS the U.S. Marshal that, if a waiver of service is not returned by a
11 defendant within 60 days of the date of mailing the request for waiver, to
12 personally serve process and a copy of this order on defendants pursuant to
13 Federal Rule Civil Procedure 4 and 28 U.S.C. § 566(c);

14 5. DIRECTS the U.S. Marshal, within 10 days after personal service is
15 accomplished, to file the return of service for each defendant along with evidence
16 of attempts to secure waiver of service of process and costs subsequently incurred
17 to effect service of each defendant. Such costs shall be enumerated on the Form
18 U.S.M.-285 and shall include the costs incurred by the U.S. Marshal to make
19 additional photocopies of the summons and complaint and to prepare new Forms
20 U.S.M.-285, if needed. Costs of service will taxed against the defendant(s),
21 pursuant to Federal Rule of Civil Procedure 4(d)(2).

22 6. DIRECTS the U.S. Marshal not to serve a defendant if that defendant first appears
23 in this action by filing an answer, dispositive motion or other pleading.

24 IT IS SO ORDERED.

25 Dated: May 26, 2010

26 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE