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

SHAWNA HARTMANN,

Plaintiff,

No. CIV S-08-3094 DAD P

vs.

CAL. DEPT. OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

ORDER AND ORDER DIRECTING SERVICE

BY THE UNITED STATES MARSHAL

WITHOUT PREPAYMENT OF COSTS

Plaintiff is a state prisoner proceeding through counsel. On March 18, 2009, the court determined that plaintiff's complaint states a cognizable claim for relief against defendants California Department of Corrections and Rehabilitation, California State Personnel Board, Division of Adult Institutions, Division of Community Partnerships, Central California Women's Facility, Matthew Cate, Sean Harrigan, Richard Costigan, Patricia Clarey, Maeley Tom, Anne Sheehan, Suzan Hubbard, Del Sayles-Owen, Barry Smith, Nola Grannis, Mary Lattimore, Arnold Schwarzenegger, and the State of California. On May 13, 2009, the court granted plaintiff's request to have the United States Marshal effect service on the defendants and directed counsel for plaintiff to provide information for service of process on form USM-285, a completed summons, sufficient copies of the complaint for service, and a notice of compliance. Counsel has filed the required papers.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Clerk of the Court is directed to forward the instructions for service of
3 process, the completed summons, copies of the complaint, and copies of this order to the United
4 States Marshal.

5 2. Within ten days from the date of this order, the United States Marshal is
6 directed to notify defendants California Department of Corrections and Rehabilitation, California
7 State Personnel Board, Division of Adult Institutions, Division of Community Partnerships,
8 Central California Women’s Facility, Matthew Cate, Sean Harrigan, Richard Costigan, Patricia
9 Clarey, Maeley Tom, Anne Sheehan, Suzan Hubbard, Del Sayles-Owen, Barry Smith, Nola
10 Grannis, Mary Lattimore, Arnold Schwarzenegger, and the State of California of the
11 commencement of this action and to request a waiver of service of summons in accordance with
12 the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c).

13 3. The United States Marshal is directed to retain the sealed summons and a copy
14 of the complaint in their file for future use.

15 4. The United States Marshal shall file returned waivers of service of summons as
16 well as any requests for waivers that are returned as undelivered as soon as they are received.

17 5. If a waiver of service of summons is not returned by a defendant within sixty
18 days from the date of mailing the request for waiver, the United States Marshal shall:

19 a. Personally serve process and a copy of this order upon the defendant
20 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C.
21 § 566(c) and shall command all necessary assistance from the California
22 Department of Corrections and Rehabilitation (CDC) to execute this order.
23 The United States Marshal shall maintain the confidentiality of all
24 information provided by the CDC pursuant to this order.

25 b. Within ten days after personal service is effected, the United States
26 Marshal shall file the return of service for the defendant, along with

1 evidence of any attempts to secure a waiver of service of summons and of
2 the costs subsequently incurred in effecting service on said defendant.
3 Said costs shall be enumerated on the USM-285 form and shall include the
4 costs incurred by the Marshal's office for photocopying additional copies
5 of the summons and complaint and for preparing new USM-285 forms, if
6 required. Costs of service will be taxed against the personally served
7 defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

8 6. Defendants shall reply to the complaint within the time provided by the
9 applicable provisions of Fed. R. Civ. P. 12(a).

10 7. A motion or opposition supported by unsigned affidavits or declarations will
11 be stricken.

12 DATED: July 2, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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