

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS JOHN CARLSON,
Plaintiff,
v.
R. HANSEN, et al.,
Defendants.

Case No. 1:10-cv-00759-LJO-SKO (PC)
ORDER REQUIRING DEFENDANT IKENI
TO SHOW CAUSE WHY EXPENSE OF
PERSONAL SERVICE SHOULD NOT BE
TAXED AGAINST HIM
(Docs. 68 and 69)
FIFTEEN-DAY DEADLINE

Pending before the Court is a request by the United States Marshals Service for reimbursement of the expense incurred in effecting personal service on Defendant Ikeni, filed on April 2, 2014. (Doc. 68.)

Pursuant to the Federal Rules of Civil Procedure, individuals have “a duty to avoid unnecessary expenses of serving the summons.” Fed. R. Civ. P. 4(d)(1). “If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant . . . the expense later incurred in making service. . . .” Fed. R. Civ. P. 4(d)(2)(A).

Based on the information provided by the Marshals Service, attempts were made to obtain a waiver of service of the summons from Defendant Ikeni on November 19, 2013, and December 20, 2013. (Doc. 69.) On March 25, 2014, the Marshal effected personal service, incurring an expense of \$136.16. (*Id.*)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, it is HEREBY ORDERED that:

1. Defendant Ikeni has **fifteen (15) days** from the date of this order within which to show good cause for failing to waive service; and
2. If Defendant Ikeni either (1) fails to respond to this order or (2) responds but fails to show good cause, he will be required to reimburse the United States Marshals Service the \$136.16 expense incurred in effecting personal service.

IT IS SO ORDERED.

Dated: July 8, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE