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, 8	IN THE UNITED STA	TES DISTRICT COURT	
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11	MANUELA CANCINO CONTRERAS	Case No. 1:10-cv-01203-AWI-JLT	
12	MORALES, individually and as) Successor-In-Interest to Ruben Mesa Morales,)		
13	deceased; R.A.M., individually and as) Successor-In-Interest to Ruben Mesa Morales,)	ORDER TO UNITED STATES MARSHAL FOR SERVICE OF COMPLAINT	
14	deceased, by and through his Guardian Ad) Litem, Manuela Cancino Contreras Morales,		
15	Plaintiffs,		
16	vs.		
17	CITY OF DELANO, a municipal corporation;) MARK P. DEROSIA, individually and in his)		
18	capacity as Chief of Police of the City of) Delano Police Department; JOSE MEJIA,)		
19	individually and in his capacity as a reserve () officer of the City of Delano Police ()		
20	Department; SHAUN MANUELE,) individually and in his capacity as an officer of)		
21	the City of Delano Police Department; and) DOES 1 through 50, inclusive,)		
22) Defendants.		
23)		
24	Plaintiffs are proceeding in forma pauperis in this action. This Court ordered plaintiffs to		
25	5 provide information for service of process on Form U.S.M285, sufficient copies of the		
26	complaint for service and a notice of compliance	e. Plaintiff has filed the required papers.	
27	Therefore, good cause appearing, this Court:		
		Deste	

1	1.	DIRECTS this Court's clerk to forward to the U.S. Marshal:
2		a. One completed and issued summons for each defendant to be served;
-		b. One completed Form U.S.M285 for each defendant to be served;
4		c. One copy of the complaint filed on August 6, 2010, for the defendant to be
5		served, plus an extra copy for the U.S. Marshal;
6		d. One copy of this order for each defendant to be served, plus an extra copy
7		for the U.S. Marshal; and
8		e. One copy of the Court's consent form for each defendant to be served.
9	2.	DIRECTS the U.S. Marshal, within 10 days from this order's date, to notify each
10		defendant, City of Delano, Mark DeRosia, Jose Mejia and Shaun Manuele of the
11		commencement of this action and to request a waiver of service in accordance
12		with Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c).
13	3.	DIRECTS the U.S. Marshal to file returned waivers of service and a copy of the
14		complaint in its file for future use.
15	4.	DIRECTS the U.S. Marshal that, if a waiver of service is not returned by a
16		defendant within 60 days of the date of mailing the request for waiver, to
17		personally serve process and a copy of this order on defendants pursuant to
18		Federal Rule Civil Procedure 4 and 28 U.S.C. § 566(c);
19	5.	DIRECTS the U.S. Marshal, within 10 days after personal service is
20		accomplished, to file the return of service for each defendant along with evidence
21		of attempts to secure waiver of service of process and costs subsequently incurred
22		to effect service of each defendant. Such costs shall be enumerated on the Form
23		U.S.M285 and shall include the costs incurred by the U.S. Marshal to make
24		additional photocopies of the summons and complaint and to prepare new Forms
25		U.S.M285, if needed. Costs of service will taxed against the defendant(s),
26		pursuant to Federal Rule of Civil Procedure 4(d)(2).
27	6.	DIRECTS the U.S. Marshal not to serve a defendant if that defendant first appears

1	in this action by filing an answer, dispositive motion or other pleading.
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3	IT IS SO ORDERED.
4	Dated:August 18, 2010/s/ Jennifer L. ThurstonUNITED STATES MAGISTRATE JUDGE
5	UNITED STATES MAGISTRATE JUDGE
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