

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL INGRAHAM,

Plaintiff,

v.

LEE LUNDRIGAN, et al.,

Defendants.

) 1:10cv01273 LJO DLB

) ORDER DIRECTING CLERK OF COURT  
) TO ISSUE SUMMONS

) ORDER DIRECTING PLAINTIFF TO SERVE  
) FIRST AMENDED COMPLAINT WITHIN  
) 120 DAYS

Plaintiff Michael Ingraham ("Plaintiff"), appearing pro se, filed the instant action pursuant to [42 U.S.C. § 1983](#) on July 20, 2010. Pursuant to Court order, he filed a First Amended Complaint on August 23, 2010. He names Stanislaus County Recorder Lee Lundrigan and her assistant, Jeremy Howell, as Defendants. Plaintiff paid the filing fee and is therefore not appearing in forma pauperis.

\_\_\_\_\_ The Clerk of the Court is DIRECTED to issue summons.

\_\_\_\_\_ Plaintiff is not proceeding in forma pauperis and is therefore responsible for serving Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure. Unless good cause for an extension of time is shown, Plaintiff must complete service of process and file proof thereof with the Court within 120. Fed. R. Civ. P. 4(m). The following two sections contain instructions on how to serve Defendants.

1   **A. Waiver of Service**

2           Plaintiff has the option of notifying Defendants of the commencement of this action and  
3 requesting that they waive service of the summons. Fed. R. Civ. P. 4(d)(1). If Plaintiff wishes to  
4 do this, he must mail each Defendant (1) the form entitled “Notice of Lawsuit and Request for  
5 Waiver of Service for Summons,” (2) the form entitled “Waiver of Service of Summons,” (3) a  
6 copy of the First Amended Complaint, and (4) a copy of this order. The documents must be  
7 addressed directly to each Defendant (not a governmental entity), and the documents must be  
8 sent by first-class mail or other reliable means. Id. The Waiver of Service of Summons form  
9 must set forth the date on which the request is sent and must allow each Defendant at least thirty  
10 days to return the waiver to Plaintiff. If Defendants sign and return the waiver forms to Plaintiff,  
11 Plaintiff must then file the forms with the Court. After filing the forms with the Court, Plaintiff  
12 does not need to do anything further to serve Defendants. Fed. R. Civ. P. 4(d)(4).

13   **B. Personal Service**

14           Plaintiff must effect personal service on any Defendants whom Plaintiff does not request  
15 to waive service and on any Defendants who are requested to waive service but fail to return the  
16 Waiver of Service of Summons form to Plaintiff. In either situation, the summons, a copy of the  
17 First Amended Complaint, and a copy of this order must be personally served on each Defendant  
18 (not a governmental entity). Plaintiff may not effect personal service himself. Fed. R. Civ. P.  
19 4(c)(2). Service may be effected by any person who is not a party to this action and who is at  
20 least eighteen years old. Id. Plaintiff should review Rule 4(e), as it more fully addresses how  
21 personal service is effected.

22   **ORDER**

23           In accordance with the above, it is HEREBY ORDERED that:

- 24           1.     The Clerk of the Court shall issue and send Plaintiff two summonses, and shall  
25                send Plaintiff one copy of the following documents:
- 26                a)     First Amended Complaint filed on August 23, 2010;
- 27                b)     “Notice of Lawsuit and Request for Waiver of Service of Summons,” and
- 28                c)     “Waiver of Service.”

2. Plaintiff shall complete service of process on Defendants within **120 days** from the date of service of this order; and

IT IS SO ORDERED.

/s/ **Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE