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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID LEE WEAVER,

CASE NO. 1:10-cv-01523-AWI-SMS

Plaintiff,

SUPPLEMENTARY ORDER SETTING
FORTH PROCEDURE FOR SERVICE

v.

U.S.D.A. FOREST, et al.,

Defendants.

(Doc. 11)

On April 8, 2011, this Court issued an order setting forth a procedure for Plaintiff's service of Defendants. Having submitted his documents as directed, Plaintiff, proceeding *pro se* and *in forma pauperis*, now moves for assistance in effectuating service through the United States Marshals Service.

Plaintiff is advised that, as a result of extensive demands and limited resources, service by the United States Marshals Service is subject to lengthy delays. In reviewing the case record in preparing to respond to Plaintiff's motion, however, the Court discovered that it had inadvertently provided for service under F.R.Civ.P. 4(e), which applies to service of individuals, rather than under F.R.Civ.P. 4(i), which applies to service of the United States, its agencies, corporations, officers, and employees. Accordingly, the Court now enters this supplemental order.

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1 It is HEREBY ORDERED that:

- 2 1. Service shall be initiated on the Defendants, United States Forest Service
3 (Department of Agriculture) and Michael James Ryan. Pursuant to the
4 requirements of F.R.Civ.P. 4(i), service shall also be initiated on the United States
5 Attorney for the Eastern District of California, the Attorney General of the United
6 States of America, and the United States Department of Agriculture.
- 7 2. The Clerk of the Court shall send Plaintiff five (5) additional USM-285 forms,
8 five (5) summonses, a Notice of Submission of Documents form, an instruction
9 sheet and a copy of the amended complaint as filed by Plaintiff pursuant to this
10 Order.
- 11 3. Within **thirty (30) days** of the date on which the Clerk of Court mails to Plaintiff
12 the materials listed in paragraph 2, Plaintiff shall complete the attached Notice of
13 Submission of Documents and submit the completed Notice to the Court with the
14 following documents:
- 15 a. One completed summons for each Defendant and governmental entity
16 listed above;
 - 17 b. One completed USM-285 form for each Defendant and governmental
18 entity listed above; and
 - 19 c. Six (6) copies of the endorsed corrected amended complaint.
- 20 4. Plaintiff should not attempt service on the Defendants or governmental entities,
21 and should not request waiver of service. Upon receipt of the documents set forth
22 in paragraph 3, the Court will direct the United States Marshal to serve the above-
23 named Defendants pursuant to Federal Rule of Civil Procedure 4 without payment
24 of costs.
- 25 6. **The failure to comply with this order will result in dismissal of this action.**
- 26 7. In accordance with the provisions of F.R.Civ.P. 4(m), this Court finds that good
27 cause exists for extension of the time for service in light of the Court's error in
28 ordering procedure for service. Accordingly, the Court, on its own motion,

1 extends the time for service of the summonses in this action to a date 120 days
2 from the date of this order.

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4 IT IS SO ORDERED.

5 **Dated: June 8, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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