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

LINDA D. MORIARITY,)	Case No.: 1:11-cv-01208 -- - JLT
Plaintiff,)	ORDER DIRECTING U.S. MARSHALL TO
v.)	SERVE DEFENDANTS
JANALIE HENRIQUES,)	
HUNT & HENRIQUES LAW FIRM,)	
Defendants.)	

Plaintiff Linda Moriarity (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* with an action for violations of the Fair Debt Collection Practices Act and California’s “Rosenthal Fair Debt Collection Practices Act.” The Court ordered Plaintiff to complete forms for effectuating service of process on Defendants after Plaintiff notified the Court she wished to proceed on cognizable claims in her First Amended Complaint. (Doc. 15). Plaintiff has since submitted the necessary forms.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Clerk of the Court is directed to forward Plaintiff’s submitted forms to the U.S. Marshal, along with a consent form for each named defendant, including:
 - (a) Janalie Henriques and (b) Hunt & Henriques Law Firm.
2. Within ten days from the date of this order, the U.S. Marshal shall notify each named defendant of the commencement of this action and request a waiver of service in accordance with Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c).

- 1 3. If a defendant waives service, he or she is required to return the signed waiver to the
2 U.S. Marshal. The filing of an answer or a responsive motion does not relieve the
3 defendant of this requirement, and the failure to return the signed waiver to the U.S.
4 Marshal may subject the defendant to an order to pay the costs of service pursuant to
5 Federal Rule of Civil Procedure 4(d)(2).
- 6 4. The U.S. Marshal shall file all returned waivers of service, as well as any requests for
7 waivers of service that are returned as undelivered as soon as they are received.
- 8 5. If a waiver of service is not returned by a defendant within 60 days of the date of the
9 mailing the request for waiver, the U.S. Marshal shall:
- 10 a. Personally service process and a copy of this order on the defendant pursuant to
11 Federal Rule of Civil Procedure 4 and 28 U.S.C. § 566(c); and
- 12 b. Within ten days after personal service is accomplished, the U.S. Marshal shall
13 file the return of service for the defendant, along with evidence of attempts to
14 secure waiver of service of process and costs subsequently incurred to effect
15 service of that defendant. Such costs shall be enumerated on the U.S.M.-285
16 Form and shall include all costs incurred by the U.S. Marshal to make
17 additional photocopies of the summons and the endorsed First Amended
18 Complaint and to prepare new U.S.M.-285 Forms, if needed. Costs of service
19 will be taxed against the defendant pursuant to Federal Rule of Civil Procedure
20 4(d)(2).
- 21 6. In the event that a defendant either waives service or is personally served, the
22 defendant is required to file a responsive pleading in accordance with Federal Rule of
23 Civil Procedure 12.

24
25 IT IS SO ORDERED.

26 Dated: November 7, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE