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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HARVEY CURTIS BAKER,  
  
Plaintiff,  
  
v.  
  
JAMES A. YATES,  
  
Defendants.

Case No. 1:12-cv-00126-LJO-SAB  
  
ORDER DIRECTING SERVICE BY THE  
UNITED STATES MARSHAL SERVICE  
WITHOUT PREPAYMENT OF COSTS

Plaintiff Harvey Curtis Baker (“Plaintiff”) is proceeding pro se in this action against Defendant S. Moore (“Defendant”). On January 31, 2014, Plaintiff submitted documents to facilitate service of the complaint by the United States Marshal Service. (ECF No. 70.) Accordingly, the Court will direct the U.S. Marshal to serve Defendant with a summons and a copy of Plaintiff’s complaint.

It is HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United States Marshal:
  - (1) One completed and issued summons;
  - (2) One completed USM-285 form;
  - (3) One copy of the First Amended Complaint filed on December 26, 2013;
  - (4) One copy of this order, plus an extra copy for the Marshal;

1 (5) One copy of the court's consent form.

2 2. Within ten days from the date of this order, the United States Marshal is directed  
3 to notify the following defendant of the commencement of this action and to  
4 request a waiver of service in accordance with the provisions of Fed. R. Civ. P.  
5 4(d) and 28 U.S.C. § 566(c):

6 **S. MOORE**

7 3. The United States Marshal is directed to retain the summons and a copy of the  
8 complaint in their file for future use.

9 4. The United States Marshal shall file returned waivers of service as well as any  
10 requests for waivers of service that are returned as undelivered as soon as they are  
11 received.

12 5. If a waiver of service is not returned by defendant within sixty days of the date of  
13 mailing the request for waiver, the United States Marshal shall:

14 a. Personally serve process and a copy of this order upon the defendant  
15 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. §  
16 566(c).

17 b. Within ten days after personal service is effected, the United States  
18 Marshal shall file the return of service for the defendant, along with  
19 evidence of any attempts to secure a waiver of service of process and of  
20 the costs subsequently incurred effecting service on said defendant. Said  
21 costs shall be enumerated on the USM-285 form and shall include the  
22 costs incurred by the Marshal's office for photocopying additional copies  
23 of the summons and complaint and for preparing new USM-285 forms, if  
24 required. Costs of service will be taxed against the personally served  
25 defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

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