

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASDEV SINGH,

CASE NO. 1:12-cv-00498-AWI-SKO

Plaintiff,

v.

**ORDER DIRECTING SERVICE
BY THE UNITED STATES
MARSHAL WITHOUT
PREPAYMENT OF COSTS**

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

On April 2, 2012, Plaintiff Jasdev Singh ("Plaintiff") filed a complaint against the United States Department of Homeland Security ("Defendant") asserting claims pursuant to 5 U.S.C. § 552a. (Doc. 1.) Plaintiff is currently incarcerated at Adams County Correctional Complex and is proceeding in this matter *in propria persona*. On April 27, 2012, the Court found that service was to be effected pursuant to Federal Rule of Civil Procedure 4(c)(3), and ordered Plaintiff to provide information for service of process on form USM-285, sufficient copies of the complaint for service, and a notice of compliance. (Doc. 6.) Plaintiff has filed the required papers. (Doc. 8.)

1 Plaintiff requests that Defendant United States Department of Homeland Security be served;
2 he also requests that the United States Attorney General; the Director of the Department of
3 Homeland Security, Bakersfield, California; and the United States Attorney's Office, Eastern District
4 of California be served.¹ (Doc. 8.) As such, the United States Marshal is directed to serve those
5 entities.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Clerk of the Court is directed to forward the following documents to the United
8 States Marshal:

- 9 (a) One completed and issued summons for each entity to be served;
- 10 (b) One completed USM-285 form for each entity to be served;
- 11 (c) One copy of the Complaint (Doc. No. 1) filed for each entity to be served,
12 plus an extra copy for the Marshal;
- 13 (d) One copy of this order for each entity to be served, plus an extra copy for the
14 Marshal;
- 15 (e) One copy of the Court's Order Re Consent or Request for Reassignment for
16 each entity to be served.

17 2. Within ten (10) days from the date of this order, pursuant to the information provided
18 in Plaintiff's USM-285 forms, the United States Marshal is directed to notify the person accepting
19 service for the following entities of the commencement of this action and to request a waiver of
20 service in accordance with the provisions of Fed. R. Civ. P. 4(d):

21 **United States Department of Homeland Security**

22 **United States Attorney General**

23 **Director, Department of Homeland Security, Bakersfield, California**

24 **United States Attorney's Office, Eastern District of California**

25
26
27

¹ This case was not screened pursuant to 28 U.S.C. § 1915 because Plaintiff paid the filing fee. The Court
28 takes no position as to whether Plaintiff's claims are viable, or whether the party named as defendant or the entities
Plaintiff requested be served are proper.

1 3. The United States Marshal is directed to retain the summons and a copy of Complaint
2 (Doc. No. 1) in its file for future use.

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

5 5. If a waiver of service is not returned by an entity within sixty (60) days of the date
6 of mailing the request for waiver, the United States Marshal shall:

7 (a) Personally serve process and a copy of this order upon the entity pursuant to
8 Rule 4 of the Federal Rules of Civil Procedure; and

9 (b) Within ten (10) days after personal service is effected, the United States
10 Marshal shall file the return of service for the entity, along with evidence of
11 any attempts to secure a waiver of service of process and of the costs
12 subsequently incurred in effecting service on said entity. Said costs shall be
13 enumerated on the USM-285 form and shall include the costs incurred by the
14 Marshal's office for photocopying additional copies of the summons and
15 complaint and for preparing new USM-285 forms, if required. Costs of
16 service will be taxed against the personally served entity in accordance with
17 the provisions of Fed. R. Civ. P. 4(d)(2).

18 6. In the event that an entity makes an appearance in this action by filing an answer,
19 dispositive motion, or other pleading, the United States Marshal Service need not personally serve
20 that entity.

21 7. In the event that an entity either waived service or is personally served, that entity is
22 required to respond to the Complaint (Doc. No. 1). 42 U.S.C. §1997e(g)(2).

23
24
25 IT IS SO ORDERED.

26 **Dated: May 8, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE