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6 **UNITED STATES DISTRICT COURT**

7 **EASTERN DISTRICT OF CALIFORNIA**

8
9 **RICHARD CHARLES HANNA,**

10 **Plaintiff,**

11 **v.**

12 **MARIPOSA COUNTY SHERIFF DEPT.**
13 **et al.,**

14 **Defendants.**

Case No. 1:12-cv-00501-AWI-SAB

**ORDER REQUIRING DEFENDANTS BOEHM,
KING, RAMIREZ, AND RUMFELT TO
RESPOND TO ORDER TO SHOW CAUSE
FILED JULY 23, 2013**

(ECF No. 35)

RESPONSE DUE WITHIN TWENTY DAYS

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16 On January 8, 2013, an order issued directing the United States Marshal ("Marshal") to
17 serve process upon the defendants in this action. (ECF No. 23.) After receiving no response to
18 the waiver of service forms mailed to Defendants, personal service was assigned by the Marshal
19 on May 6, 2013. The complaint was served on May 16, 2013. On July 15, 2013, the Marshal
20 filed a request for a court order requiring Defendants to reimburse the costs incurred by the
21 Marshal for personal service, pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure.
22 (ECF No. 33.) The Court issued an order to show cause, which was mailed to the Mariposa
23 County Sheriff's Office, on July 23, 2013. (ECF No. 35.) When Defendants failed to respond,
24 default was entered on September 10, 2013. (ECF No. 39.) Subsequently, Defendants moved to
25 set aside default because they had mistakenly filed all paperwork for this action with a similar
26 closed action not realizing a second lawsuit had been filed by Plaintiff. (ECF No. 57.) An order
27 issued setting aside the default. (ECF No. 96.)

28 Defendants filed a motion to dismiss which was granted in part on July 22, 2014. (ECF

1 No. 117.) The complaint in this action was re-served on Defendants Boehm, Rumfelt, Ramirez,
2 and King due to a technical error with the original service of the complaint. (ECF Nos. 123, 129.)
3 Defendants filed an answer on September 30, 2014. (ECF No. 134.) To date, Defendants have
4 not filed a response to the order to show cause filed July 23, 2013.

5 Based upon the pleadings that have been filed in this action, it appears that the Marshal
6 incurred costs of service due to the defendants' negligent handling of the summonses and
7 complaint in this action.

8 Accordingly, IT IS HEREBY ORDERED that within twenty (20) days from the date of
9 service of this order, Defendants Boehm, Rumfelt, Ramirez, and King shall respond to the order
10 to show cause filed July 23, 2013. Defendants' failure to comply with this order shall result in an
11 order requiring Defendants Boehm, Rumfelt, Ramirez, and King to reimburse the Marshal for
12 costs of personal service.

13
14 IT IS SO ORDERED.

15 Dated: **October 1, 2014**


UNITED STATES MAGISTRATE JUDGE