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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLES HANNA,

CASE NO. 1:12-cv-00501-AWI-SAB

Plaintiff,

v.

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

MARIPOSA COUNTY SHERIFF DEPT.
et al.,

Defendants.

_____/

Plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. The court previously 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. Plaintiff has filed the required papers. Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United States Marshal to be served on Defendants Mariposa County Sheriff Dept., Deputy Boehm, Deputy Rumfelt, Deputy Rameriz, and Deputy King:
 - (1) One completed and issued summons;
 - (2) One completed USM-285 form;
 - (3) One copy of the complaint filed on April 2, 2012, plus an extra copy for the Marshal;
 - (4) One copy of this order, plus an extra copy for the Marshal;
 - (5) One copy of the court’s consent form.

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

5 **MARIPOSA COUNTY SHERIFF DEPT.**

6 **DEPUTY BOEHM**

7 **DEPUTY RUMFELT**

8 **DEPUTY RAMERIZ**

9 **DEPUTY KING**

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

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

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

17 a. Personally serve process and a copy of this order upon the defendant
18 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C.
19 § 566(c).

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

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6. In the event defendant makes an appearance in this action by filing an answer, dispositive motion, or other pleading, the U.S. Marshals Service need not personally serve the defendant.

7. In the event that defendant either waives service or is personally served, defendant is required to reply to the complaint. 42 U.S.C. §1997e(g)(2).

IT IS SO ORDERED.

Dated: January 8, 2013

/s/ Stanley A. Boone
UNITED STATES MAGISTRATE JUDGE