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

RICHARD CHARLES HANNA,  
Plaintiff,  
v.  
MARIPOSA COUNTY SHERIFF DEPT.  
et al.,  
Defendants.

Case No. 1:12-cv-00501-AWI-SAB  
ORDER REQUIRING DEFENDANTS  
MARIPOSA COUNTY SHERIFF DEPT.,  
BOEHM, KING, RAMERIZ, AND RUMFELT TO  
SHOW CAUSE WHY THE UNITED STATES  
MARSHAL’S REQUEST FOR  
REIMBURSEMENT OF COSTS OF SERVICE  
SHOULD NOT BE GRANTED  
(ECF No. 33)  
RESPONSE DUE WITHIN TWENTY DAYS

On January 8, 2013, an order issued directing the United States Marshal (“Marshal”) to serve process upon the defendants in this action. (ECF No. 23.) The Marshal was directed to attempt to secure a waiver of service before attempting personal service on the defendants. If a waiver of service was not returned within sixty days, the Marshal was directed to effect personal service on the defendants in accordance with the provisions of Rule 4 of the Federal Rule of Civil Procedure, without prepayment of costs, and to file the return of service with evidence of any attempt to secure a waiver of service and with evidence of all costs subsequently incurred in effecting personal service.

On July 15, 2013, return of service forms were filed showing a waiver of service was mailed to Defendants Mariposa County Sheriff Department, Deputy Boehm, Deputy Rumfelt,

1 Deputy Ramirez, and Deputy King on February 6, 2013. Having received no response, personal  
2 service was assigned on May 6, 2013. The complaint was served on May 16, 2013. The forms  
3 also show total charges of \$71.95 for effecting personal service on Defendants Mariposa County  
4 Sheriff Department, Deputy Boehm, Deputy Rumfelt, Deputy Ramirez, and Deputy King. (ECF  
5 No. 32.) On this same date, the Marshal filed a request for a court order requiring Defendants to  
6 reimburse the costs incurred by the Marshal for personal service, pursuant to Rule 4(d)(2) of the  
7 Federal Rules of Civil Procedure. (ECF No. 33.)

8 Rule 4(d)(1) of the Federal Rules of Civil Procedure provides in part that an individual  
9 “that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of  
10 serving the summons.”

11 If a defendant located within the United States fails, without good cause, to sign  
12 and return a waiver requested by a plaintiff located within the United States, the  
court must impose on the defendant:

13 (A) the expenses later incurred in making service. . . .

14  
15 Fed. R. Civ. P. 4(d)(2).

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Within twenty (20) days from the date of service of this order, Defendants  
18 Mariposa County Sheriff Department, Deputy Boehm, Deputy Rumfelt, Deputy  
19 Ramirez, and Deputy King shall show cause why the Marshal’s Request for  
20 Reimbursement, filed on July 15, 2013, should not be granted;
- 21 2. Defendants’ failure to comply with this order shall result in an order requiring  
22 Defendants Mariposa County Sheriff Department, Deputy Boehm, Deputy  
23 Rumfelt, Deputy Ramirez, and Deputy King to reimburse the Marshal for costs of  
24 personal service; and

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