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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILSON GORRELL,
Plaintiff,
v.
THOMAS C. SNEATH et al.,
Defendants.

Case No. 1:12-cv-00554 AWI JLT
**ORDER DIRECTING U.S. MARSHAL
TO SERVE DEFENDANTS**

Plaintiff is proceeding pro se and in forma pauperis in this diversity action. The Court ordered Plaintiff to complete forms for effectuating service of process on Defendants after Plaintiff notified the Court he wished to proceed on cognizable claims in his Complaint. (Doc. 11) Plaintiff has since submitted the necessary forms. (Doc. 12) Accordingly, IT IS HEREBY ORDERED:

1. The Clerk of the Court is directed to forward Plaintiff's submitted forms to the U.S. Marshal, along with a consent form for each named defendant, including:
 - a. National Toxicology Laboratories, Inc.,
 - b. Thomas Sneath
 - c. Hasmukh Shah

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1 2. Within ten days from the date of this order, the U.S. Marshal shall notify each
2 named defendant of the commencement of this action and request a waiver of service in
3 accordance with Federal Rule of Civil Procedure 4(d) and 28 U.S.C. ' 566(c).

4 3. If a defendant waives service, he is required to return the signed waiver to the U.S.
5 Marshal. The filing of an answer or a responsive motion does not relieve the defendant of this
6 requirement, and the failure to return the signed waiver to the U.S. Marshal may subject the
7 defendant to an order to pay the costs of service pursuant to Federal Rule of Civil Procedure
8 4(d)(2).

9 4. The U.S. Marshal shall file all returned waivers of service, as well as any requests
10 for waivers of service that are returned as undelivered as soon as they are received.

11 5. If a waiver of service is not returned by a defendant within 60 days of the date of
12 the mailing the request for waiver, the U.S. Marshal shall:

13 a. Personally service process and a copy of this order on the defendant
14 pursuant to Federal Rule of Civil Procedure 4 and 28 U.S.C. § 566(c); and

15 b. Within ten days after personal service is accomplished, the U.S. Marshal
16 shall file the return of service for the defendant, along with evidence of attempts to secure
17 waiver of service of process and costs subsequently incurred to effect service of that
18 defendant. Such costs shall be enumerated on the U.S.M.-285 Form and shall include all
19 costs incurred by the U.S. Marshal to make additional photocopies of the summons and
20 the endorsed First Amended Complaint and to prepare new U.S.M.-285 Forms, if needed.
21 Costs of service will be taxed against the defendant pursuant to Federal Rule of Civil
22 Procedure 4(d)(2).

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6. In the event that a defendant either waives service or is personally served, the defendant is required to file a responsive pleading in accordance with Federal Rule of Civil Procedure 12.

IT IS SO ORDERED.

Dated: May 25, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE