

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

WILLIAM M. BRYSON, Jr.,  
Plaintiff,  
v.  
SUSAN B. GERSON,  
Defendant.

Case No. 1:13-cv-0879-LJO-MJS  
ORDER DIRECTING SERVICE BY THE  
UNITED STATES MARSHALS SERVICE  
WITHOUT PREPAYMENT OF COSTS

The Court previously found service of the Complaint appropriate. Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is **HEREBY ORDERED** that:

1. For each Defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service:
  - a. One completed and issued summons;
  - b. One completed USM-285 form;
  - c. One copy of the Complaint filed on June 10, 2013, plus an extra copy for the Marshals Service; and

1           d. One copy of this order, plus an extra copy for the Marshals Service.

2  
3       2. Within ten days from the date of this order, the Marshals Service is directed to  
4       notify the following Defendant of the commencement of this action and to  
5       request a waiver of service in accordance with the provisions of Fed. R. Civ. P.  
6       4(d) and 28 U.S.C. § 566(c):

7                       **Susan B. Gerson**

8       3. The Marshals Service shall file returned waivers of service as well as any  
9       requests for waivers of service that are returned as undelivered as soon as they  
10      are received.

11     4. If a waiver of service is not returned by Defendant within sixty days of the date  
12      of mailing the request for waiver, the Marshals Service shall:

13           a. Personally serve process and a copy of this order upon the Defendant  
14           pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C.  
15           § 566(c).

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

25     **5. If Defendant waives service, she is required to return the signed waiver to**  
26     **the Marshals Service. The filing of an answer or a responsive motion does**  
27     **not relieve Defendant of this requirement, and the failure to return the**  
28

1 signed waivers may subject Defendant to an order to pay the costs of  
2 service pursuant to Fed. R. Civ. P. 4(d)(2).

3  
4 IT IS SO ORDERED.

5 Dated: April 22, 2014

6 /s/ Michael J. Seng  
7 UNITED STATES MAGISTRATE JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28