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

DALE L. COTTRELL,	)	Case No.: 1:13-cv-01530-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER IMPOSING SERVICE COSTS ON
	)	DEFENDANT PARK AND REQUIRING HIM TO
FELIX IGBINOSA, et al.,	)	REIMBURSE USM \$77.25 WITHIN THIRTY
	)	DAYS
Defendants.	)	[ECF Nos. 42, 43, 46]
	)	
	)	

Plaintiff Dale L. Cottrell is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff’s second amended complaint, filed October 10, 2014, against Defendants Lackey, Berard, Ogbuehi, Das, Park, Duenas, and Igbinosa for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On July 8, 2015, the United States Marshals Office, which was responsible for service process on Plaintiff’s behalf, 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3), filed a request for reimbursement of the expenses incurred in effecting personal service on Defendant Park, Fed. R. Civ. P. 4(d)(2)(A). On July 15, 2015, the Court ordered Defendant Park to show cause within fifteen days why the expenses for personal service should not be taxed against him. (ECF No. 46.) More than fifteen days have passed, and Defendant Park has not responded to the order. Defendant Park was warned that if he “either (1) fails to respond to this order or (2) responds but fails to show good cause, he will be

1 required to reimburse the United States Marshals Service the \$77.25 expense incurred in effecting  
2 personal service.” (ECF No. 46, Order at 2:6-8.)

3 Pursuant to the Federal Rules of Civil Procedure, individuals have “a duty to avoid  
4 unnecessary expenses of serving the summons.” Fed. R. Civ. P. 4(d)(1). “If a defendant located  
5 within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff  
6 located within the United States, the court must impose on the defendant ... the expense later incurred  
7 in making service....” Fed. R. Civ. P. 4(d)(2)(A).

8 Rule 4 imposes a duty to avoid unnecessary costs of service and while a defendant failing to  
9 waive service must be given the opportunity to show good cause for the failure, sufficient cause  
10 should be rare. Estate of Darulis v. Garate, 401 F.3d 1060, 1063-1064 (9th Cir. 2005) (citing to Fed.  
11 R. Civ. P. Advisory Committee note on 1993 amendments). In this case, Defendant Park has failed to  
12 respond to the order to show cause and has not presented good cause for failing to waive service. Fed.  
13 R. Civ. P. 4(d)(2)(A); Estate of Darulis, 401 F.3d at 1063-1064.

14 Accordingly, the Court HEREBY ORDERS as follows:

- 15 1. The expenses incurred by the United States Marshals Office in effective service are  
16 imposed against Defendant Park;
- 17 2. Defendant Park shall reimburse the United States Marshals Office \$77.25 within thirty  
18 (30) days from the date of service of this order;<sup>1</sup> and
- 19 3. The Clerk’s Office shall serve a copy of this order on the Sacramento Division of the  
20 United States Marshals Office.

21  
22 IT IS SO ORDERED.

23 Dated: August 26, 2015

  
24 UNITED STATES MAGISTRATE JUDGE

25  
26  
27  
28 <sup>1</sup> United States Marshals Office, 501 I. Street, Suite. 5600, Sacramento, CA 95814.