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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,

Plaintiff,

v.

PATTERSON POLICE SERVICES/
STANISLAUS COUNTY DEPUTY
CHIEF TORI HUGHES, STANISLAUS
COUNTY DEPUTY CHRIS SCHWARTZ,
and STANISLAUS COUNTY SHERIFF
ADAM CHRISTIANSON, in their public
and individual capacity; PATTERSON
POLICE SERVICES; PATTERSON
COUNTY SHERIFF'S DEPARTMENT;
CITY OF PATTERSON; PATTERSON
POLICE SERVICES, et al., and DOES 1-
100,

Defendants.

Case No. 1:13-cv-01980-LJO-SMS

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

The Court having found service of the complaint on Defendants Stanislaus County Deputy
Chris Schwartz, City of Patterson, Patterson Police Services, and Stanislaus County Sheriff's
Department appropriate, it is hereby ORDERED, pursuant to F.R.Civ.P. 4(c), that:

1. For each defendant to be served, the Clerk of Court is directed to forward the
following documents to the United States Marshals Service:

- (1) One completed and issued summons;

- (2) One completed USM-285 form;
- (3) One copy of the amended complaint filed on February 11, 2014; one copy of the Findings and Recommendations dated June 27, 2014; and one copy of the July 16, 2014 Order Adopting the Findings and Recommendations; plus an extra copy of each document for the Marshals Service;
- (4) One copy of this order, plus an extra copy for the Marshals Service; and
- (5) One copy of the Court's consent form.

2. Within ten (10) days from the date of this order, the Marshals Service is directed to notify each defendant of the commencement of this action and to request a waiver of service in accordance with the provisions of F.R.Civ.P. 4(d) and 28 U.S.C. § 566(c).

3. The Marshals Service is directed to retain its copies of the summons and complaint in its file for future use.

4. The Marshals Service shall file returned waivers of service as well as any requests for waivers of service that are returned as undeliverable as soon as they are received.

5. If a waiver of service is not returned by a defendant within sixty (60) days of the date of mailing the request for waiver, the Marshals Service shall:

- a. Personally serve process and a copy of this order upon the defendant pursuant to F.R.Civ.P. 4 and 28 U.S.C. § 566(c).

- b. Within ten (10) days after personal service is effected, the Marshals Service shall file the return of service for the defendant, along with evidence of any attempts to secure waiver of process and of the costs subsequently incurred in effecting service on that defendant. The costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshals Service for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, if

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required. Costs of service will be taxed against the personally served defendant in accordance with the provisions of F.R.Civ.P. 4(d)(2).

6. **If Defendant waives service, it is required to return the signed waivers to the Marshals Service. The filing of an answer or a responsive motion does not relieve Defendant of this requirement, and the failure to return the signed waivers may subject Defendant to an order to pay the costs of service pursuant to F.R.Civ.P. 4(d)(2).**

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

IT IS SO ORDERED.

Dated: August 20, 2014

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE