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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 **EUGENE E. FORTE,**

CASE NO.: 1:13-CV-1980-LJO-SMS

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11 Plaintiff,

**ORDER DENYING MARSHAL'S
MOTION FOR REIMBURSEMENT
FOR SERVICE OF DEFENDANT
CITY OF PATTERSON**

12

v.

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TORI HUGHES, et al.,

14

Defendants.

(Docs. 48 and 50)

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17 The United States Marshal's Service has requested reimbursement for personal service of a
18 defendant in this action, the City of Patterson, on February 4, 2015. The Court will deny the request.

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20 On August 21, 2014, the Court ordered the Marshal to serve process upon the defendants in
21 this action, including the City of Patterson. Doc. 36. The Marshal was directed to attempt to secure
22 a waiver of service before attempting personal service. If a defendant did not return a waiver of
23 service within sixty days, the Marshal was directed to effect personal service in accordance with the
24 provisions of Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c), without
25 prepayment of costs, and to file the return of service with evidence of any attempt to secure a waiver
26 of service and with evidence of all costs subsequently incurred in effecting personal service.

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The Marshal served the City of Patterson by mail on August 28, 2014. Doc. 48. On November 5, 2014, the City filed a motion to dismiss all claims against it. Doc. 43. The City filed a waiver of service on November 14, 2014. Doc. 44. On December 3, 2014, the Court dismissed the City from this action. Doc. 46.

For unexplained reasons, the Marshal again served the City by personal service on February 4, 2015. Doc. 48. The Marshal moved for reimbursement of the costs associated with personally serving the City on February 5, 2015. Doc. 50.

The Marshal's having served Defendant City of Patterson after it had already waived service, filed responsive pleadings, and been dismissed from this action, its motion for reimbursement of expenses of service is hereby DENIED.

IT IS SO ORDERED.

Dated: February 11, 2015

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE