

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,

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

Plaintiff,

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

TORI HUGHES, et al.,

(Docs. 49 and 50)

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

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

1 a waiver of service and with evidence of all costs subsequently incurred in effecting personal
2 service.

3 The Marshal served the Patterson Police Services by mail on August 28, 2014. Doc. 49.
4 Several Defendants, including Patterson Police Services, moved to dismiss certain claims on
5 September 11, 2014. Doc. 37. On November 3, 2014, the Court dismissed Patterson Police Services
6 from this action. Doc. 46.

7 The Marshal again served Patterson Police Services by personal service on February 4, 2015.
8 Doc. 49. The Marshal moved for reimbursement of the costs associated with personally serving the
9 City on February 5, 2015. Doc. 50.

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

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15 IT IS SO ORDERED.
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17 Dated: February 11, 2015

18 /s/ Sandra M. Snyder
19 UNITED STATES MAGISTRATE JUDGE
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