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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY WAYNE ARNETT, et al.,

Plaintiff(s),

v.

WALGREEN COMPANY, INC., et al.,

Defendant(s).

Case No. 1:13-cv-02066-LJO-MJS

**ORDER DIRECTING SERVICE BY THE
UNITED STATES MARSHALS SERVICE
WITHOUT PAYMENT OF COSTS**

Plaintiffs Timothy Wayne Arnett and Karen Suzanne Page are proceeding pro se and in forma pauperis in this action.

The Court previously found service of the April 18, 2014 Complaint (ECF No. 8) 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 (USM):
 - (1) One completed and issued summons;
 - (2) One completed USM-285 form;

1 (3) One copy of the Complaint filed on April 18, 2014, plus an extra copy
2 for the USM; and

3 (4) One copy of this Order, plus an extra copy for the USM.

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

8 **WALGREEN COMPANY, INC., an Illinois corporation,**

9 by its designated agent for service of process, Corporation Service
10 Company, doing business in California as CSC – Lawyers Incorporating
11 Service, 2710 Gateway Oaks Dr., Suite 150N, Sacramento, CA 95833.

12 3. The USM shall file returned waivers of service as well as any requests for
13 waivers of service that are returned as undelivered as soon as they are
14 received.

15 4. If a waiver of service is not returned by a Defendant within sixty days of the
16 date of mailing the request for waiver, the USM shall:

17 a. Personally serve process and a copy of this Order upon the
18 Defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure
19 and 28 U.S.C. § 566(c), and shall command all necessary assistance
20 from the Office of the California Secretary of State – Business
21 Programs to execute this Order.

22 b. Within ten days after personal service is effected, the USM shall file
23 the return of service for the Defendant, along with evidence of any
24 attempts to secure a waiver of service of process and of the costs
25 subsequently incurred in effecting service on said Defendant. Said
26 costs shall be enumerated on the USM-285 form and shall include
27 the costs incurred by the USM for photocopying additional copies of
28 the summons and complaint and for preparing new USM-285 forms,

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

5. If Defendants waive service, they are required to return the signed waivers to the USM. The filing of an answer or a responsive motion does not relieve Defendants of this requirement, and the failure to return the signed waivers may subject Defendants to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).

6. In the event that Defendants either waive service or are personally served, Defendants are required to reply to the Complaint. 42 U.S.C. § 1997e(d)(2).

IT IS SO ORDERED.

Dated: October 21, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE