

- 1 (3) Five copies of the third amended complaint filed on August 31, 2015, plus an
2 extra copy for the Marshal;
- 3 (4) One copy of the fourth amended complaint filed on November 23, 2015, plus an
4 extra copy for the Marshal;
- 5 (5) Six copies of this order, plus an extra copy for the Marshal;
- 6 (6) Six copies of the court's consent form.

7 2. Within ten days from the date of this order, the United States Marshals Service is
8 directed to notify the following defendants of the commencement of this action and to request a waiver
9 of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c):

10 **Officer Griebel**

11 **Officer Quiroz**

12 **Officer Niewenhuis**

13 **Officer King**

14 **Officer Albonetti**

15 **City of Ceres**

16 3. The United States Marshal is directed to retain the summons and a copy of the amended
17 complaints in their file for future use.

18 4. The United States Marshal shall file returned waivers of service as well as any requests
19 for waivers of service that are returned as undelivered as soon as they are received.

20 5. If a waiver of service is not returned by the defendant within sixty days of the date of
21 mailing the request for waiver, the United States Marshal shall:

22 a. Personally serve process and a copy of this order upon the defendant pursuant to Rule 4 of
23 the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).

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

1 new USM-285 forms, if required. Costs of service will be taxed against the personally served
2 defendant(s) in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

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

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

9
10 IT IS SO ORDERED.

11 Dated: January 7, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE