

1 directed to provide the address directly to the USM. If the Defendant is located and fails
2 to waive service, the cost of personal service will be taxed against him. If Defendant
3 again cannot be located, the USM is directed to contact the Legal Affairs Division of
4 CDCR to request the assistance of a special investigator.

5 Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY
6 ORDERED that:

- 7 1. The Clerk of the Court is directed to forward the following documents to
8 the USM:
 - 9 a. One completed and issued summons for Defendant Krpan;
 - 10 b. One completed USM-285 form for Defendant Krpan;
 - 11 c. One copy of the First Amended Complaint filed on February 2, 2015,
12 plus an extra copy for the USM; and
 - 13 d. One copy of this order, plus an extra copy for the USM.
- 14 2. Within ten days from the date of this order, the USM is directed to notify
15 Defendant Krpan of the commencement of this action and to request a
16 waiver of service in accordance with the provisions of Fed. R. Civ. P.
17 4(d) and 28 U.S.C. § 566(c).
- 18 3. The USM shall file the returned waiver of service, or the request for
19 waiver of service if returned as undelivered, as soon as it is received.
- 20 4. If a waiver of service is not returned by the defendant within sixty days
21 of the date of mailing the request for waiver, the USM shall:
 - 22 a. Personally serve process and a copy of this order upon the
23 defendant pursuant to Rule 4 of the Federal Rules of Civil
24 Procedure and 28 U.S.C. § 566(c), and shall command all
25 necessary assistance from CDCR to execute this order. The USM
26 shall maintain the confidentiality of all information provided by the
27 CDCR pursuant to this order.

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b. Within ten days after personal service is effected, the USM shall file the return of service for the defendant, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said defendant. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the USM for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, 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 defendant waives service, he is required to return the signed waiver 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 Fed. R. Civ. P. 4(d)(2).

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

7. If Defendant Krpan again cannot be located, the USM shall, within ten days, contact the Legal Affairs Division of CDCR and request the assistance of a Special Investigator.

IT IS SO ORDERED.

Dated: February 10, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE