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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWN ANDERSON,
Plaintiff,
v.
CHRIS KR PAN, et al.,
Defendants.

Case No. 1:14-cv-01380-AWI-MJS (PC)
**ORDER PROVIDING DEFENDANT
KRPAN OPPORTUNITY TO SHOW
GOOD CAUSE FOR FAILING TO WAIVE
SERVICE**
(ECF No. 36)
THIRTY (30) DAY DEADLINE

20 On December 28, 2016, the Court ordered the United States Marshal to serve
21 process upon the defendants in this case. (ECF No. 33.) The Marshal was directed to
22 attempt to secure a waiver of service before attempting personal service on the
23 defendants. If a waiver of service was not returned by a defendant within sixty days, the
24 Marshal was directed to effect personal service on the defendant in accordance with the
25 provisions of Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c),
26 without prepayment of costs, and to file the return of service with evidence of any
27 attempt to secure a waiver of service and with evidence of all costs subsequently
28 incurred in effecting personal service.

1 On May 26, 2017 the United States Marshal filed a return of service with a USM-
2 285 form showing charges of \$278.70 for effecting personal service on Defendant
3 Krpan. (ECF No. 49.) The form shows that a waiver of service form was mailed to
4 Defendant Krpan on February 16, 2017. Apparently, no response was received and the
5 summons was assigned for personal service on April 21, 2017.

6 Rule 4 provides that “[a]n individual, corporation, or association that is subject to
7 service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving
8 the summons.” Fed. R. Civ. P. 4(d)(1). “If a defendant located within the United States
9 fails, without good cause, to sign and return a waiver requested by a plaintiff located
10 within the United States, the court must impose on the defendant . . . the expenses later
11 incurred in making service” Fed. R. Civ. P. 4(d)(2)(A).

12 It appears that Defendant Krpan was given the opportunity required by Rule
13 4(d)(1) to waive service, but failed to comply with the request. The Court shall provide
14 Defendant with the opportunity to show good cause for failing to waive service. If
15 Defendant either fails to respond to this Order or responds but fails to show good cause,
16 the costs incurred in effecting service shall be imposed on Defendant.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Defendant Krpan may, within thirty (30) days from the date of this
19 Order, show good cause for failing to waive service; and
- 20 2. If Defendant either fails to respond to this Order or responds but
21 fails to show good cause, the Court shall impose upon Defendant Krpan the costs
22 incurred in effecting service.

23
24 IT IS SO ORDERED.

25 Dated: May 26, 2017

26 /s/ Michael J. Seng
27 UNITED STATES MAGISTRATE JUDGE
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