

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARLEY McNEIL,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security,

Defendant.

Case No. 1:15-cv-01442-AWI- SMS

ORDER DIRECTING SERVICE BY THE
UNITED STATES MARSHALS SERVICE
WITHOUT PREPAYMENT OF COSTS

On May 10, 2016, the Court issued an order finding Plaintiff's first amended complaint contains a cognizable claim. Doc. 6. The Court therefore directed the Clerk of Court to issue the summons and new case documents, send Plaintiff a copy of the order, a USM285 form, an instruction sheet, and the first amended complaint. Further, the Court directed Plaintiff to complete and return the required documents for service by the United States Marshal. Plaintiff was specifically directed not to attempt service on Defendant, as the Court will issue an order directing service. In compliance with the Court, Plaintiff returned the required documents on June 13, 2016. Doc. 9.

Accordingly, under Federal Rule of Civil Procedure 4(c), it is HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United

States Marshals Service:

- (1) Five completed and issued summons and the original summons;
 - (2) Five copies of the first amended complaint filed on January 4, 2016, plus an extra copy for the Marshals Service;
 - (3) One completed USM-285 form; and
 - (4) Five copies of this order, plus an extra copy for the Marshals Service.
2. Within ten (10) days from the date of this order, the Marshals Service is directed to notify Defendant of the commencement of this action and to request a waiver of service in accordance with the provisions of Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c).
 3. The Marshals Service shall file returned waiver of service as well as any request for a waiver of service that is returned as undelivered as soon as it is received.
 4. If a waiver of service is not returned by the Defendant within sixty (60) days of the date of mailing the request for waiver, the Marshals Service shall:
 - a. Personally serve process and a copy of this order upon Defendant under Federal Rules of Civil Procedure 4(e) and 28 U.S.C. § 566(c); and
 - b. Within ten (10) days after personal service is effected, the Marshals Service shall file the return of service for 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 Marshals Service 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 Federal Rule of Civil Procedure 4(d)(2).

