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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SPENCER ALAN GILBERT,

 Plaintiff,

 v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

 Defendant.

Case No. 1:15-cv-01757-SMS

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

(Docs. 6, 9)

On January 12, 2016, the Court issued an order finding service of Plaintiff’s First Amended Complaint appropriate following completion of the requisite forms and submission of proper documents by Plaintiff. Doc. 6. Plaintiff has since complied with the Court’s January 12, 2016 order. 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) The original summons and five (5) copies of the Summons;
 - (2) Five (5) copies of this order directing service by the U.S. Marshal;
 - (3) Five Copies of the First Amended Complaint filed on January 7, 2016;
 - (4) One completed USM–285 form addressed to the Social Security Administration; and

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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 defendants 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(s). 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).
5. **If Defendant waives service, she 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 under Federal Rule of Civil Procedure 4(d)(2).**

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

IT IS SO ORDERED.

Dated: March 28, 2016

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE