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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RANDY LANGLEY,

Plaintiff,

v.

JOSE COLEGIO,

Defendant.

Case No. 1:16-cv-0336-DAD-SKO

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

The Court previously found service of the Second Amended Complaint appropriate. Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY ORDERED that:

1. For each defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service:
 - a) One completed and issued summons;
 - b) One completed USM-285 form;
 - c) One copy of the amended complaint filed on 7/10/2017, plus an extra copy for the Marshals Service;
 - d) One copy of this order, plus an extra copy for the Marshals Service; and
2. Within ten days from the date of this order, the Marshals Service is directed to notify the following defendant of the commencement of this action and to request a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c): Jose Colegio.
3. The Marshals Service shall file returned waivers of service as well as any requests for waivers of service that are returned as undelivered as soon as they are received.

1 4. If a waiver of service is not returned by the defendant within sixty days of the date
2 of mailing the request for waiver, the Marshals Service shall:

3 a) Personally serve process and a copy of this order upon the defendant
4 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. §
5 566(c), and shall command all necessary assistance from the Tulare Police
6 Department and/or the City of Tulare to execute this order. The Marshals
7 Service shall maintain the confidentiality of all information provided by the
8 Tulare Police Department and/or the City of Tulare pursuant to this order.

9 b) Within ten days after personal service is effected, the Marshals Service shall
10 file the return of service for the defendant, along with evidence of any
11 attempts to secure a waiver of service of process and of the costs
12 subsequently incurred in effecting service on said defendant. Said costs
13 shall be enumerated on the USM-285 form and shall include the costs
14 incurred by the Marshals Service for photocopying additional copies of the
15 summons and complaint and for preparing new USM-285 forms, if
16 required. Costs of service will be taxed against the personally served
17 defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

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

23 6. In the event that defendant either waives service or is personally served, defendant
24 is required to respond to the complaint.

25
26 IT IS SO ORDERED.

27 Dated: April 25, 2018

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE