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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CHERYL G. HARSHAW,  
Plaintiff,

v.

JACOB J. LEW, SECRETARY,  
DEPARTMENT OF THE TREASURY,  
Defendant.

Case No. 1:16-cv-00963-AWI-SKO

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

**(Docs. 7 & 8)**

The Court previously found service of the complaint appropriate. (Doc. 7.) Accordingly, pursuant to 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) One completed and issued summons;
  - (2) One completed USM-285 form;
  - (3) One copy of the First Amended Complaint filed on August 10, 2016, plus an extra copy for the Marshals Service;
  - (4) One copy 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

1 notify the defendant of the commencement of this action and to request a waiver of  
2 service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. §  
3 566(c).

4 3. The Marshals Service shall file returned waiver of service as well as any request for  
5 a waiver of service that is returned as undelivered as soon as it is received.

6 4. If a waiver of service is not returned by the defendant within sixty (60) days of the  
7 date of mailing the request for waiver, the Marshals Service shall:

8 a. Personally serve process and a copy of this order upon the defendant  
9 pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. §  
10 566(c); and

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

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

25  
26 IT IS SO ORDERED.

27 Dated: June 13, 2017

28 /s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE