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

11 SHARON TEMPLETON,
12 Plaintiff
13 v

15 JAMES DAVIS, *et al.*
Defendants.

Case No. 1:16-cv-01491-DAD-EPG

ORDER RE: ISSUANCE OF NEW CASE DOCUMENTS

17 On October 5, 2016, Plaintiff Sharon Templeton filed a complaint against James Davis,
18 Joyce Fields-Keene, the Central California Faculty Medical Group, University Neurosurgeons,
19 Community Medical Centers, and Community Regional Medical Center. (ECF No. 1.) Plaintiff
20 paid the \$400 filing fee on the same date. Because Plaintiff is not proceeding *in forma pauperis*,
21 it is Plaintiff's responsibility to effect service of summons and the Complaint on Defendants. The
22 Clerk of the Court will be directed to issue summonses to Plaintiff for the purpose of service of
23 process. Fed. R. Civ. P. 4.

24 Plaintiff shall complete service of process in accordance with Federal Rule of Civil
25 Procedure 4 within 120 days from the date of service of this Order. Plaintiff shall serve a copy of
26 this Order on Defendants, in addition to copies of the summonses and Complaint. The following
27 two sections contain instructions on how to serve Defendants.

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1 **I. WAIVER OF SERVICE**

2 Under Federal Rule of Civil Procedure 4(d), Plaintiff may (but is not required to) notify
3 Defendants of the commencement of this action and request that they waive service of the
4 summons. If Plaintiff wishes to do this, she must mail Defendants: (1) the form entitled "Notice
5 of Lawsuit and Request for Waiver of Service for Summons"; (2) the form entitled "Waiver of
6 Service of Summons"; and (3) a copy of the Complaint. The documents must be addressed
7 directly to each Defendant and must be sent via first class United States Mail. The Waiver of
8 Service of Summons form must set forth the date on which the request is sent and must allow
9 Defendants at least thirty (30) days in which to return the waiver to Plaintiff. If Defendants sign
10 and return the waiver forms to Plaintiff, Plaintiff must then file the forms with the Court. After
11 filing the forms with the Court, Plaintiff need not take any further steps to serve Defendants. Fed.
12 R. Civ. P. 4(d)(4).

13 **II. PERSONAL SERVICE**

14 If either: (1) Plaintiff does not wish to request that Defendants waive service; or (2)
15 Defendants fail to return the Waiver of Service of Summons form to Plaintiff, Plaintiff must have
16 personal service effected on Defendants. Each Defendant must be personally served with a
17 summons and copy of the Complaint, along with a copy of this Order. ***Plaintiff may not effect***
18 ***personal service herself.*** Fed. R. Civ. P. 4(c). Service may be effected by any person who is not
19 a party to this action and who is at least eighteen years old. *Id.* The Court will provide Plaintiff
20 with a copy of Federal Rule of Civil Procedure 4. Plaintiff should review Rule 4(e)(2), which
21 addresses how personal service may be effected.

22 **III. ORDER**

23 In accordance with the above, IT IS HEREBY ORDERED that:

- 24 1. The Clerk of the Court is DIRECTED to issue new case documents and send Plaintiff
25 a summons for each named Defendant in this case;
- 26 2. The Clerk is further DIRECTED to send Plaintiff the following:
 - 27 a) A copy of the Complaint filed October 5, 2016 (ECF No. 1);
 - 28 b) A copy of the form entitled "Notice of Lawsuit and Request for Waiver of Service

1 of Summons" for each named Defendant in this case;

2 c) A copy of the form entitled "Waiver of Service" for each named Defendant in this

3 case;

4 d) A copy of the form entitled "Consent to Proceed Before United States Magistrate

5 Judge" with instructions; and,

6 e) A copy of Rule 4 of the Federal Rules of Civil Procedure.

7 3. Plaintiff shall complete service of process on Defendants within **one hundred twenty**

8 **(120) days** from the date of service of this order. Plaintiff shall serve a copy of this

9 order and a copy of the form "Consent to Proceed Before United States Magistrate

10 Judge" on Defendants at the time of service of the summons and complaint; and,

11 4. Plaintiff's failure to timely complete service of the complaint on Defendants may

12 result in dismissal of this action. Fed. R. Civ. P. 4(m).

13 IT IS SO ORDERED.

14 Dated: October 11, 2016

15 /s/ *Eric P. Groj*
16 UNITED STATES MAGISTRATE JUDGE

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