

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

GUSTAVO CORTES, ) Case No.: 1:17-cv-00543 - JLT  
Plaintiff, )  
v. ) ORDER TO UNITED STATES MARSHAL FOR  
KERN COUNTY SUPERINTENDENT OF ) SERVICE OF PLAINTIFF'S COMPLAINT  
SCHOOL, )  
Defendant. )

Gustavo Cortes is proceeding *in forma pauperis* with an action pursuant to 20 U.S.C. §1400, for attorneys' fees and expenses incurred in an administrative proceeding under the Individuals with Disabilities Education Act. This Court ordered Plaintiff to provide information for service of process on Form U.S.M.-285, sufficient copies of the complaint for service, and a notice of compliance. (Doc. 3) Plaintiff has provided the documents required by the Court's order. Therefore, good cause appearing, this Court:

1. DIRECTS this Court's clerk to forward to the U.S. Marshal:
  - a. One completed and issued summons for the defendant to be served;
  - b. One completed Form U.S.M.-285 for the defendant to be served;
  - c. One copy of the Complaint filed on April 17, 2017, for the defendant to be served, with an additional copy for the U.S. Marshal;
  - d. One copy of this order for the defendant to be served, with an additional copy

1 for the U.S. Marshal; and

2 e. One copy of the Court's consent form for the defendant to be served.

3 2. DIRECTS the U.S. Marshal, within 10 days from this order's date, to notify the

4 defendant of the commencement of this action and to request a waiver of service in

5 accordance with Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c).

6 3. DIRECTS the U.S. Marshal to file returned waivers of service and a copy of the

7 complaint in its file for future use.

8 4. DIRECTS the U.S. Marshal that, if a waiver of service is not returned by the defendant

9 within 60 days of the date of mailing the request for waiver, to personally serve process

10 and a copy of this order on defendants pursuant to Federal Rule Civil Procedure 4 and

11 28 U.S.C. § 566(c);

12 5. DIRECTS the U.S. Marshal, within 10 days after personal service is accomplished, to

13 file the return of service for the defendant along with evidence of attempts to secure

14 waiver of service of process and costs subsequently incurred to effect service of each

15 defendant. Such costs shall be enumerated on the Form U.S.M.-285 and shall include

16 the costs incurred by the U.S. Marshal to make additional photocopies of the summons

17 and complaint and to prepare new Forms U.S.M.-285, if needed. Costs of service will

18 taxed against the defendant(s), pursuant to Federal Rule of Civil Procedure 4(d)(2).

19 6. DIRECTS the U.S. Marshal not to serve the defendant if the defendant first appears in

20 this action by filing an answer, dispositive motion or other pleading.

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22 IT IS SO ORDERED.

23 Dated: August 14, 2017

24 /s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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