

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMON NAVARRO LUPERCIO,
Plaintiff,
v.
VISALIA POLICE DEPARTMENT
Defendant.

Case No. 1:18-cv-00036-LJO-EPG

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

VISALIA POLICE DEPARTMENT,

Plaintiff is proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). The Court previously instructed Plaintiff to provide information for service of process on form USM-285, sufficient copies of the Complaint for service, and a notice of submission. Plaintiff has filed the requested papers. Accordingly, IT IS HEREBY ORDERED:

1. The Clerk of the Court is DIRECTED to forward the following documents to the United States Marshal Service:
 - a. One completed and issued summons for each defendant to be served;
 - b. One completed USM-285 form for each defendant to be served;
 - c. One copy of the complaint filed on January 8, 2018 for each defendant to be served, in addition to one extra copy for the United States Marshal Service;

- d. One copy of this Order for each defendant to be served, in addition to one extra copy for the United States Marshal Service;
- e. One copy of the court's consent form for each defendant to be served.

2. Within ten days from the date of this Order, the United States Marshal Service is DIRECTED to notify the following defendants 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):

- a. Defendant City of Visalia Police Department.

3. The United States Marshal Service is DIRECTED to retain the summons and a copy of the Complaint in their files for future use;

4. The United States Marshal 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;

5. If a waiver of service is not returned by a defendant within sixty days of the date of mailing the request for waiver, the United States Marshal Service shall:

- a. Personally serve process and a copy of this Order on the defendant pursuant to Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c);
- b. Within ten days after personal service is effected, the United States Marshal Service shall file the return of service for the 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. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshal's office 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).

1 6. In the event that defendants make an appearance in this action by filing an answer,
2 dispositive motion, or other pleading, the United States Marshals Service need not
3 personally serve those defendants; and,
4 7. In the event that defendants either waive service or are personally served,
5 defendants are required to reply to the Complaint.

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7 IT IS SO ORDERED.

8 Dated: February 7, 2018

9 _____
10 /s/ *Eric P. Groj*
11 UNITED STATES MAGISTRATE JUDGE

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