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

CHESTER RAY WISEMAN,)	Case No.: 1:18-cv-00126-LJO-SAB (PC)
Plaintiff,)	
v.)	SECOND ORDER DIRECTING SERVICE BY THE UNITED STATES MARSHALS SERVICE ON DEFENDANTS SWANSON, ROMERO AND M. POMOA
MARTIN D. BITER, et al.,)	
Defendants.)	[ECF Nos. 14, 15, 16]
)	

Plaintiff Chester Ray Wiseman is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff’s deliberate indifference to a serious medical need against Defendants Romero, Swanson, R. Rivera, M. Pomoa and R. Perez.

On May 3, 2018, the directed the United States Marshal to serve Defendants without prepayment of costs.

The United States Marshal was not able to locate or identify Defendants Swanson, Romero, and M. Pomoa, and service was returned un-executed on May 3, 2018. Therefore, on May 8, 2018, the Court ordered Plaintiff to show cause why Defendants Swanson, Romero, and M. Pomoa should not be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

Plaintiff filed a response to the order to show cause on May 23, 2018. (ECF No. 16.) Plaintiff has provided additional information to assist with the identification of Defendants Swanson, Romero,

1 and M. Pomoa. (Id.) Accordingly, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY
2 ORDERED that:

- 3 1. The Clerk of Court shall forward a copy of Plaintiff's response to the order to show
4 which provides additional information as to Defendants Swanson, Romero, and M.
5 Pomoa (ECF No. 16).
- 6 2. Within ten days from the date of this order, the Marshals Service is directed to notify
7 the following Defendants of the commencement of this action and to request a waiver
8 of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. §
9 566(c):

10 **SWANSON-Correctional Officer at Kern Valley State Prison (KVSP),**
11 **third watch in Facility C, Building 4 on March 16, 2015;**

12 **ROMERO-Correctional Officer at KVSP, second watch, Facility C,**
13 **Building 4, from March 16, 2015 through March 24, 2015;**

14 **M. POMOA- Correctional Officer at KVSP, second watch, Facility C,**
15 **Building 4, from March 16, 2015 through March 24, 2015;**

- 16 3. The Marshal Service shall file the returned waivers of service, or the requests for
17 waiver of service if returned as undelivered, once received.
- 18 4. The Marshals Service shall command all necessary assistance from the CDCR and from
19 the Litigation Coordinator at KVSP to identify and lace the above Defendants for service.
- 20 5. If a waiver of service is not returned by a Defendant within sixty days of the date of
21 mailing the request for waiver, the Marshals Service shall:
 - 22 a. Personally serve process and a copy of this order upon the Defendant pursuant
23 to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c), and shall command all
24 necessary assistance from the CDCR to execute this order. In executing this order, the Marshals
25 Service shall contact the CDCR if employees at KVSP are unable to assist in identifying and/or
26 locating any of the above Defendants. The Marshals Service shall maintain the confidentiality of all
27 information provided by KVSP and the CDCR pursuant to this order.

1 b. Within ten days after personal service is effected, the Marshals Service shall file
2 the return of service, along with evidence of any attempts to secure a waiver of service of process and
3 of the costs subsequently incurred in effecting service. These costs shall be enumerated on the USM-
4 285 form and shall include the costs incurred by the Marshals Service for photocopying additional
5 copies of the summons and complaint and for preparing new USM-285 forms, if required. Costs of
6 service will be taxed against each personally served Defendant in accordance with the provisions of
7 Fed. R. Civ. P. 4(d)(2).

8 6. In the event that a Defendant either waives service or is personally served, the
9 Defendant is required to reply to the complaint. 42 U.S.C. § 1997e(g)(2).

10
11 IT IS SO ORDERED.

12 Dated: May 29, 2018



UNITED STATES MAGISTRATE JUDGE