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

MONTREAL HEMPHILL,

Plaintiff,

v.

JONATHAN FARR and CHAD MEDEIROS,

Defendants.

Case No. 1:19-cv-01119-AWI-EPG

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

Plaintiff Montreal Hemphill (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* with this action. Plaintiff commenced this action by filing a complaint pursuant to 42 U.S.C. § 1983 on August 15, 2019. (ECF No. 1). On October 7, 2020, the Court found service of the Complaint appropriate on Defendants Jonathan Farr and Chad Medeiros. (ECF No. 9).

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 August 23, 2019, 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

1 extra copy for the United States Marshal Service;

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

3 2. Within ten days from the date of this Order, the United States Marshal Service is
4 DIRECTED to notify the following defendants of the commencement of this action
5 and to request a waiver of service in accordance with the provisions of Federal Rule
6 of Civil Procedure 4(d) and 28 U.S.C. § 566(c):

7 a. **Jonathan Farr**

8 b. **Chad Medeiros**

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

11 4. The United States Marshal Service shall file returned waivers of service as well as
12 any requests for waivers of service that are returned as undelivered as soon as they
13 are received;

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

16 a. Personally serve process and a copy of this Order on the defendant pursuant
17 to Federal Rule of Civil Procedure 4 and 28 U.S.C. § 566(c);

18 b. Within ten days after personal service is effected, the United States Marshal
19 Service shall file the return of service for the defendant, along with evidence
20 of any attempts to secure a waiver of service of process and of the costs
21 subsequently incurred in effecting service on said defendant. Said costs
22 shall be enumerated on the USM-285 form and shall include the costs
23 incurred by the Marshal's office for photocopying additional copies of the
24 summons and the operative complaint and for preparing new USM-285
25 forms, if required. Costs of service will be taxed against the personally
26 served defendant in accordance with the provisions of Federal Rule of Civil
27 Procedure 4(d)(2).

28 6. In the event that any defendant makes an appearance in this action by filing an

1 answer, dispositive motion, or other pleading, the United States Marshals Service
2 need not personally serve the defendant; and,

3 7. In the event that any defendant either waives service or is personally served, the
4 defendant is required to respond to the Complaint.

5
6 IT IS SO ORDERED.

7 Dated: November 19, 2020

/s/ Eric P. Grogan
8 UNITED STATES MAGISTRATE JUDGE

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