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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TERRANCE MARSH, et al.,

 Plaintiffs,

 v.

FREEDOM MORTGAGE CORPORATION,

 Defendant.

Case No. 1:23-cv-01451-JLT-EPG

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

(ECF No. 11)

Plaintiffs Terrance Marsh and Gesele Marsh proceed *pro se* and *in forma pauperis* in this civil action. (ECF Nos. 1, 7, 9). On January 25, 2024, the Court screened Plaintiffs’ first amended complaint, and concluded that they stated a claim under the Fair Credit Reporting Act. (ECF No. 10). Plaintiffs have since returned documents to the Court for purposes of serving Defendant. (ECF No. 12; *see* ECF No. 11).

Accordingly, IT IS ORDERED as follows:

1. The Clerk of Court is directed to forward the following documents to the U.S. Marshal:
 - a) Two completed and issued summons for each defendant;
 - b) Two completed USM–285 forms for each defendant;

- 1 c) Two copies of the first amended complaint filed on December 22, 2023 (ECF No.
2 9), for each defendant; and
3 d) Two copies of this order for each defendant;
- 4 2. The Clerk of Court is directed to send the United States Marshal a copy of the first
5 amended complaint (ECF No. 9) and this order for the United States Marshal.
- 6 3. Within ten days from the date of this order, the United States Marshal is directed to
7 notify the following defendant of the commencement of this action and to request a
8 waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28
9 U.S.C. § 566(c):
- 10 **a. Freedom Mortgage Corporation**
- 11 4. The United States Marshal Service is DIRECTED to retain the summons and a copy
12 of the first amended complaint in its files for future use.
- 13 5. The United States Marshal shall file returned waivers of service as well as any
14 requests for waivers of service that are returned as undelivered as soon as they are
15 received.
- 16 6. If a waiver of service is not returned by a defendant within sixty days of the date of
17 mailing the request for waiver, the United States Marshal shall:
- 18 a) Personally serve process and a copy of this order upon that defendant pursuant to
19 Rule 4 of the Federal Rules of Civil Procedure¹ and 28 U.S.C. § 566(c).
- 20 b) Within ten days after personal service is effected, the United States Marshal shall
21 file the return of service for that defendant, along with evidence of any attempts to

22 ¹ Rule 4(h), which addresses service on a corporation, partnership, or association, provides:

23 Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or
24 foreign corporation, or a partnership or other unincorporated association that is subject to suit
25 under a common name, must be served:

26 (1) in a judicial district of the United States:

27 (A) In the manner prescribed by Rule 4(e)(1) for serving an individual; or

28 (B) By delivering a copy of the summons and of the complaint to an officer, a managing
or general agent, or any other agent authorized by appointment or by law to receive
service of process and—if the agent is one authorized by statute and the statute so
requires—by also mailing a copy of each to the defendant; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by
Rule 4(f) for serving an individual, except personal delivery under (f)(2)(c)(i).

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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 United States Marshal 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 Fed. R. Civ. P. 4(d)(2).

- 7. In the event that a defendant makes an appearance in this action by filing an answer, dispositive motion, or other pleading, the United States Marshals Service need not personally serve the defendant.
- 8. In the event that a defendant either waives service or is personally served, the defendant is required to respond to the Complaint.

IT IS SO ORDERED.

Dated: February 6, 2024

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE