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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FRED WAYNE GILBERT,
Plaintiff,

No. CIV S-09-0209-CMK-P

vs.

ORDER

SUSAN HERBERT, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The court has authorized service of this action on defendant Hubbard and directed plaintiff to provide documentation for service of process by the United States Marshal. Plaintiff has submitted the required papers.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the instructions for service of process, the completed summons form(s), copies of the complaint, and a copy of this order and the court’s Order re: Consent or Request for Reassignment to the United States Marshal;
2. Within ten days from the date of this order, the United States Marshal is directed to notify defendant(s) of the commencement of this action and to request a waiver of service of summons in accordance with the provisions of Federal Rule of Civil Procedure 4(d) and 28 U.S.C. § 566(c);

1 3. The United States Marshal is directed to retain the sealed summons and a
2 copy of the complaint in their file for future use;

3 4. The United States Marshal shall file returned waivers of service of
4 summons, as well as any requests for waivers that are returned as undelivered, as soon as they are
5 received;

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

8 a. Personally serve process and a copy of this order upon the
9 defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure and
10 28 U.S.C. § 566(c), shall command all necessary assistance to execute this
11 order, and shall maintain the confidentiality of all information provided
12 pursuant to this order;

13 b. Within ten days after personal service is effected, the
14 United States Marshal shall file the return of service for the defendant,
15 along with evidence of any attempts to secure a waiver of service of
16 summons and of the costs subsequently incurred in effecting service on
17 said defendant;

18 c. Costs incurred in effecting service shall be enumerated on
19 the USM-285 form and shall include the costs incurred by the Marshal's
20 office for photocopying additional copies of the summons and amended
21 complaint and for preparing new USM-285 forms, if required; and

22 d. Costs of service will be taxed against the personally served
23 defendant in accordance with the provisions of Federal Rule of Civil
24 Procedure 4(d)(2); and

25 6. Defendant(s) shall reply to the complaint within the time provided by the
26 applicable provisions of Federal Rule of Civil Procedure 12(a).

DATED: August 18, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE