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

TIMOTHY WATTS,

No. CIV S-09-1515-KJM-CMK-P

Plaintiff,

vs.

ORDER

R. RAMOS, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are the United States Marshal’s requests for reimbursement of costs of personal service (Docs. 13 & 15).

The court ordered the United States Marshal to serve process upon the defendant(s) in this case. The Marshal was directed to attempt to secure a waiver of service before attempting personal service on any defendant. If a waiver of service was not returned within sixty days, the Marshal was directed to effect personal service on the defendant in accordance with the provisions of Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c), without prepayment of costs, and to file the return of service with evidence of any attempt to secure a waiver of service and with evidence of all costs subsequently incurred in

1 effecting personal service.

2 On November 30, 2009, the United States Marshal filed a return of service with a
3 USM-285 form showing total charges of \$145.75 for effecting personal service on defendant
4 Price. The form shows that a waiver of service form was mailed to the defendant on August 12,
5 2009, and that no response was received. Rule 4(d) of the Federal Rules of Civil Procedure
6 provides, in pertinent part, as follows:

7 An individual, corporation, or association that is subject to service
8 under Rule 4(e), (f), or (h) has a duty to avoid unnecessary
9 expenses of serving the summons. . . .

10 If a defendant located within the United States fails, without good
11 cause, to sign and return a waiver requested by a plaintiff located
12 within the United States, the court must impose on the defendant:
13 (A) the expenses later incurred in making service; and
14 (B) the reasonable expenses, including attorney's fees, of any
15 motion required to collect those service expenses.

16 Fed. R. Civ. P. 4(d)(1), (2).

17 The court finds that defendant Price was given the opportunity required by Rule 4(d) to waive
18 service and has failed to show good cause for the failure to comply with the request.

19 The docket similarly reflects that the United States Marshal filed returns of
20 service with USM-285 forms showing total charges of \$73.33 each for effecting person service
21 on defendants Ramos, Murry, Gibson, Casey, Reid, and Thomson. The forms show that waivers
22 of service forms were mailed to these defendants on August 12, 2009, and that no responses were
23 received. The court also finds that defendants Ramos, Murry, Gibson, Casey, Reid, and
24 Thomson were given the opportunity to waive service and have failed to show good cause for
25 their failure to comply with the request.

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