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

JAMES K. GOLDSMITH,

Plaintiff,

No. 2:10-cv-1995 KJN P

vs.

L. DAVIS, et al.,

Defendants.

ORDER

_____ /

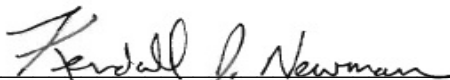
On August 22, 2011, this court directed defendant Davis to pay the U.S. Marshal the costs of personal service of summons, or to show cause why such costs should not be taxed. (Dkt. No. 25.) Defendant has now shown cause why such costs should not be taxed. (Dkt. No. 26.) Defendant correctly states that the U.S. Marshal, after initially requesting reimbursement (Dkt. No. 21), then withdrew the request (Dkt. No. 24). As set forth in the declaration of A. Brodbeck, filed by defendant, the U.S. Marshal initially sought reimbursement due to the temporary misplacement of defendant Davis' timely signed waiver of service.¹ (Dkt. No. 26 at 6.)

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¹ Thereafter, the court misconstrued as duplicative the U.S. Marshal's request for reimbursement, and request to withdraw such request.

1 Accordingly, for good cause shown, IT IS HEREBY ORDERED that this court's
2 order filed August 22, 2011 (Dkt. No. 25) is vacated.

3 DATED: September 9, 2011

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6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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