

1 Marshal was therefore required to complete personal service on defendant Barrientos. The form
2 shows total charges for personally serving defendant Barrientos of \$64.13. *Id.*

3 Rule 4 of the Federal Rules of Civil Procedure provides, in pertinent part:

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

6 . . .

7 If a defendant located within the United States fails, without good cause, to sign
8 and return a waiver requested by a plaintiff located within the United States, the
court must impose on the defendant the expenses later incurred in making service .

9 . . .

10 Fed. R. Civ. P. 4(d)(1)-(2).

11 Thus, the Marshal may be entitled to the costs sought, as it appears that defendant
12 Barrientos was given the opportunity required by Rule 4(d)(2) to waive service but failed to do
13 so.

14 Accordingly, the court hereby ORDERS that:

15 1. Within 14 days from the date of service of this order, defendant Barrientos shall pay to
16 the United States Marshal the sum of \$64.13, unless within that time Barrientos files a written
17 statement showing good cause for failing to waive service.

18 2. The Clerk shall serve a copy of this order on the U.S. Marshal.

19 Dated: October 8, 2013.

20 

21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28