

1 On March 25, 2015, the Marshal filed a return of service with a USM-285 form showing
2 total charges of \$140.08 for effecting personal service on defendant Sabin. See ECF No. 36. The
3 return shows that a waiver of service form was mailed to the defendant on October 24, 2014, and
4 that no response was received. On February 13, 2015, the Marshal designated this matter
5 appropriate for personal service. A notation on the return indicates that defendant Sabin was no
6 longer employed at "CDC" as of March 20, 2015; however, personal service was effected on
7 Sabin on March 24, 2015, apparently at the California Medical Facility. See ECF No. 36.

8 Rule 4(d) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

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

11 If a defendant located within the United States fails, without good
12 cause, to sign and return a waiver requested by a plaintiff located
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)(A), (B).

17 Pursuant to this authority, and the information provided by the Marshal, the court finds
18 that defendant Sabin was given the opportunity required by Rule 4(d) to waive service and failed
19 to comply with the request.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The request for reimbursement filed by the U.S. Marshal, ECF No. 37, is granted.
- 22 2. Within fourteen days from the filing date of this order defendant Sabin shall pay the
23 U.S. Marshal the sum of \$140.08, unless within that time defendant files a written statement with
24 the court showing good cause for his failure to waive service. The court does not intend to extend
25 this fourteen-day period.

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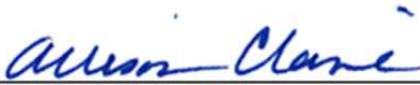
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2. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal and defendant Sabin.

DATED: March 31, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE