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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER T. HARRELL,  
  
  Plaintiff,  
  
                        v.  
  
HORNROOK COMMUNITY SERVICES  
DISTRICT, et al.,  
  
  Defendants.

No. 2:14-cv-1595 KJM GGH PS

ORDER

Plaintiff is proceeding pro se and in forma pauperis in this action. This proceeding was referred to this court by E.D. Cal. L.R. 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1).

On December 5, 2014, the court ordered the United States Marshal to serve process upon defendants in this case within ninety days. The waiver of service forms indicate that defendants Hornbrook Community Service District, Bowles, Hanson, Brown, Barnes, Dingman and Goff were notified that failure to waive service of summons would result in a requirement that defendant bear costs of such service unless he shows good cause for failure to return the waiver. See Fed. R. Civ. P. 4(d)(1); 28 U.S.C. §566(c).

On April 6, 2015, the United States Marshal filed returns of service with USM-285 forms showing total charges of \$316 per defendant for effecting personal service on defendants Hornbrook Community Service District, Bowles, Hanson, Brown, Barnes, Dingman and Goff. The forms show that a waiver of service form was mailed to the defendants on December 23,

1 2014,<sup>1</sup> and that no response was received. (ECF No. 22.) The U.S. Marshal has filed a request  
2 for reimbursement of costs for personal service. (ECF No. 21.)

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

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

7 If a defendant located within the United States fails, without good  
8 cause, to sign and return a waiver requested by a plaintiff located  
9 within the United States, the court must impose on the defendant:

10 (A) the expenses later incurred in making service; and

11 (B) the reasonable expenses, including attorney's fees, of any  
12 motion required to collect those service expenses.

13 Fed. R. Civ. P. 4(d)(1), (2)(A), (B).

14 The court finds that defendants Hornbrook Community Service District, Bowles, Hanson,  
15 Brown, Barnes, Dingman and Goff were given the opportunity required by Rule 4(d) to waive  
16 service and have failed to comply with the request.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. Within **fourteen** days from the date of this order defendants Hornbrook Community  
19 Service District, Bowles, Hanson, Brown, Barnes, Dingman and Goff shall pay to the United  
20 States Marshal the sum of \$316 per defendant, unless within that time any defendant files a  
21 written statement showing good cause for his or her failure to waive service. The court does not  
22 intend to extend this fourteen day period.

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

24 Dated: May 7, 2015

25 /s/ Gregory G. Hollows

26 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> The waiver sent to defendant Bowles was forwarded to another address on January 6, 2015.  
(ECF No. 22 at 1.)