

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY,
Plaintiff,
v.
GEICO INSURANCE CO.,
Defendant.

No. 2:20-cv-1455-JAM-KJN PS
ORDER REGARDING SERVICE

On July 20, 2020, plaintiff filed a motion to proceed in forma pauperis. (ECF No. 2.) The district judge assigned to this case reviewed plaintiff's application and granted it by minute order. (ECF No. 3.) Thereafter, service documents were mailed to plaintiff, and a scheduling order issued. However, given that plaintiff was granted leave to proceed in forma pauperis, the U.S. Marshal is to effectuate service. See 28 U.S.C. § 1915(d). Therefore, IT IS HEREBY ORDERED that:


1. The initial scheduling order (ECF No. 5) is WITHDRAWN, and plaintiff shall disregard the court's previous instructions regarding service;
2. The Clerk of Court is directed to reissue forthwith all process pursuant to Federal Rule of Civil Procedure 4;
3. The Clerk of Court shall send plaintiff one USM-285 form, one summons, a revised version of this court's scheduling order, and the forms providing notice of

1 the magistrate judge's availability to exercise jurisdiction for all purposes.

- 2 4. Plaintiff is advised that to effectuate service, the U.S. Marshal will require:
- 3 a. One completed summons;
- 4 b. One completed USM-285 form for defendant;
- 5 c. A copy of the complaint for defendant, with and an extra copy for the U.S.
- 6 Marshal; and
- 7 d. A copy of the court's scheduling order for defendant.
- 8 5. Plaintiff shall supply the U.S. Marshal (501 I St., 5th Floor, Sacramento, CA
- 9 95814), within 30 days from the date this order is filed, with the documents listed
- 10 in number 4 above, and shall, within 10 days thereafter, file a statement with the
- 11 court that such documents have been submitted to the U.S. Marshal;
- 12 6. The U.S. Marshal shall serve process, with copies of this court's scheduling order
- 13 and related documents, within 90 days of receipt of the required information from
- 14 plaintiff, without prepayment of costs;
- 15 7. If defendant waives service, the defendant is required to return the signed waiver
- 16 to the U.S. Marshal. The filing of an answer or a responsive motion does not
- 17 relieve defendant of this requirement, and the failure to return the signed waiver
- 18 may subject defendant to an order to pay the costs of service by the U.S. Marshal;
- 19 and
- 20 8. Failure to comply with this order may result in any appropriate sanctions,
- 21 including monetary sanctions and/or dismissal of the action pursuant to Federal
- 22 Rule of Civil Procedure 41(b).

23 Dated: September 14, 2020

24
25 murp.1455

26
27
28

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE