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## UNITED STATES DISTRICT COURT

## **DISTRICT OF NEVADA**

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JOHN MANUEL RUIZ,

Plaintiff,

NEVADA DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

<u>ORDER</u>

2:16-cv-00931-APG-VCF

Before the Court is Plaintiff's Motion for Re-Service of Summons; and Second Amended Complaint (ECF No. 42).

Ruiz is requesting the court for reservice of summons on Defendants Legrand, Sandie, Gedney, and Johns because the U.S. Marshals was not able to perfect service for these defendants at the correctional facility.

The court has reviewed the unexecuted returned Summons. Defendants Legrand, Sandie, Gedney, and Johns' personal addressed were listed on the Summons.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Re-Service of Summons; and Second Amended Complaint (ECF No. 42) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff has up to and including November 10, 2020, to perfect service on Defendants Legrand, Sandie, Gedney, and Johns.

The Clerk of Court is directed to re-issue (sealed) Summons for Defendants Legrand, Sandie, Gedney, and Johns, at the addresses provided under sealed in ECF No. 23, and deliver same to the U.S. Marshal for service. The clerk is directed to send copy of the Second Amended Complaint, Summons, and copy of this order to the U.S. Marshal for service on Defendants Legrand, Sandie, Gedney, and Johns.

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The U.S. Marshal is directed to serve Defendants Legrand, Sandie, Gedney, and Johns at Defendants' personal address(es) listed on the Summons.

The clerk is directed to mail to plaintiff the USM-285 form. Plaintiff has thirty (30) days within which to furnish to the U.S. Marshal the required USM-285 form.

Within twenty (20) days after plaintiff receives copy of the completed USM-285 form from the U.S. Marshal, plaintiff must file a notice with the court stating if defendant was served. If the plaintiff wishes to have the U.S. Marshal attempt service again on defendant, then a motion must be filed with the court.

DATED this 10th day of September, 2020.

CAM FERENBACH

UNITED STATES MAGISTRATE JUDGE

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

Case 2:16-cv-00931-APG-VCF Document 45 Filed 09/10/20 Page 3 of 4 PROCESS RECEIPT AND RETURN

United States Marshals Service

See "Instructions for Service of Process by U.S. Marshal"

NAME OF INDIVIDUAL COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDENS  SERVE  ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW  Number of process to be served with this Form 285  Number of process to be served with this Form 285  Number, and Estimated Times Available for Service):  SEPCIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  Signature of Autorney other Originator requesting service on behalf of:  SPACE BELOW FOR USE OF U.S. MARSHAL ONLY DO NOT WRITE BELOW THIS LINE  1 acknowledge receipt for the total angle only for Issue Service on the Control of Origin of Serve Originator (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):  SPACE BELOW FOR USE OF U.S. MARSHAL ONLY DO NOT WRITE BELOW THIS LINE  1 acknowledge receipt for the total angle only for ISSUE 285 (incred) book one USM 285 is submitted.  No. No.  No.  No.  No.  No.  No.  Anomal dover (See remarks below)  1 have personally served.   have legal evidence of service,   have executed as shown in "Remarks"; the process described on the individual , company, corporation, etc., shown at the address shown above on the on the individual , company, corporation, etc., shown at the address inserted below      have begal evidence of service,   have executed as shown in "Remarks"; the process described on the individual , company, corporation, etc., shown at the address inserted below      have begal evidence of service,   have executed as shown in "Remarks"; the process described on the individual , company, corporation, etc., shown at the address inserted below      have begal evidence of service,   have executed as shown in "Remarks"; the process described on the individual , company, corporation, etc., shown at the address inserted below	PLAINTIFF							COURT CASE NUMBER			
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PRINT 5 COPIES:

- 1. CLERK OF THE COURT
- 2. USMS RECORD
- 3. NOTICE OF SERVICE
- 4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal. 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285 Rev. 12/15/80 Automated 01/00

## INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.