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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P. McDERMOTT,

Plaintiff,

v.

JOHN E. POTTER, *et al.*,

Defendants.

Case No. C09-0776RSL

ORDER DENYING MOTION
FOR WAIVER OF SERVICE;
GRANTING REQUEST TO
AMEND COMPLAINT

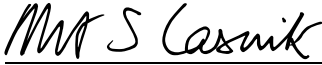
This matter comes before the Court on plaintiff's motion for waiver of service under Federal Rule of Civil Procedure 4(d)(4). The rule permitting a waiver of service, however, is inapplicable in this case because plaintiff has not sued an "individual, corporation, or association." Fed. R. Civ. P. 4(d)(1). Rather, he has sued government entities; serving government entities is governed by Federal Rule of Civil Procedure 4(i). Plaintiff must follow the procedure set forth in that rule to effect service on the defendants in this case. Therefore, plaintiff's request for a waiver of service (Dkt. #13) is DENIED.

Plaintiff's motion also requests to name Eric Holder, the United States Attorney General, as a defendant. Plaintiff has not previously amended his complaint, and the Federal Rules of Civil Procedure permit him to do so once as a matter of course. Fed. R. Civ. P. 15(a)(1). Therefore, plaintiff may serve and file an amended complaint that includes all of his allegations

ORDER DENYING MOTION
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1 and adds Attorney General Holder as a defendant. If filed, the amended complaint will
2 supercede the original complaint.

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4 DATED this 27th day of July, 2009.

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7 Robert S. Lasnik
8 United States District Judge
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