1

2

3

4

5

6

7

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8   MARK MAYES,   CASE NO. C18-696 RSM

9   Plaintiff,   ORDER GRANTING PLAINTIFF'S
                                                    MOTION FOR COURT TO SERVE
10   v.   SUMMONS

11   ALEXANDER OHASHI and ACE
     PARKING,

12

13   Defendants.

14

15   This matter comes before the Court on Plaintiff's Motion for Court to Serve Summons.

16   Dkt. #15. Plaintiff is proceeding in this matter *in forma pauperis* and therefore seeks assistance

17   with service of the Summons and Complaint on Defendant Ace Parking. For the reasons below,

18   the Court grants the motion.

19   Federal Rule of Civil Procedure 4(c)(3) provides:

20   At the plaintiff's request, the court may order that service be made by a United
          States marshal or deputy marshal or by a person specially appointed by the court.
21   The court must so order if the plaintiff is authorized to proceed *in forma pauperis*
          under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.
22

23   This Rule allows the Court to order service by the Marshal when requested, and mandates it for

24   *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915. Although Plaintiff was

25   granted leave to proceed *in forma pauperis* in this Court, he is not a prisoner. Thus, service by

26   U.S. Marshal is not mandated. However, the Court recognizes that Plaintiff has limited means

     ORDER – 1

and the Court should assist in the service of this matter. Further, the Court has previously assisted Plaintiff in the service of this matter on Defendant Ohashi. Dkt. #9. Plaintiff has provided sufficient information to effect service of the Summons and Complaint. Accordingly, the Court grants his motion.

Having reviewed Plaintiff's Motion, and for the reasons stated above, the Court hereby finds and ORDERS:

1. Plaintiff's Motion for Court to Serve Summons (Dkt. #15) is GRANTED.

2. The Clerk SHALL issue Summons to Ace Parking Management, Inc. at the following address: CT Corporation System, 711 Capital Way S. Ste. 204, Olympia, WA 98501.

3. The United States Marshal shall send the following to Defendant Ace Parking by first class mail:

   a. a copy of the Complaint (Dkt. #5) and of this Order;

   b. a copy of the Summons;

   c. two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons;

   d. a Waiver of Service of Summons; and

   e. a return envelope, postage prepaid, addressed to the Clerk's Office.

4. All costs of service shall be advanced by the United States.

5. The Clerk SHALL assemble the necessary documents to effect service.

6. Defendant Ace Parking shall have **thirty (30) days** within which to return the Waiver of Service of Summons. If Defendant Ace Parking timely returns the signed Waiver, it shall have **sixty (60) days** after the date designated on the Notice of Lawsuit to file and serve an Answer or a motion directed to the Complaint, as permitted by Rule 12 of the Federal Rules of Civil Procedure. **If Defendant Ace Parking fails to timely return the signed**

ORDER – 2

1   **Waiver, it will be personally served with a Summons and Complaint, and may be**

2   **required to pay the full costs of such service, pursuant to Rule 4(d)(2)**. A Defendant

3   who has been personally served shall file an Answer or motion permitted under Rule 12

4   within **twenty-one (21) days** after service.

5   Dated this 4th day of January 2019.

6

7

8   RICARDO S. MARTINEZ

9   CHIEF UNITED STATES DISTRICT JUDGE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

ORDER – 3