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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8  
9 MARK MAYES,

10 Plaintiff,

11 v.

12 ALEXANDER OHASHI, *et al.*,

13  
14 Defendants.

Case No. C18-0696 RSM

ORDER GRANTING MOTION FOR  
SERVICE BY U.S. MARSHAL

15  
16 **I. INTRODUCTION**

17 This matter comes before the Court on Plaintiff's Motion for Service of Summons by  
18 U.S. Marshal. Dkt. #7. Plaintiff is proceeding in this matter *in forma pauperis* and therefore  
19 seeks assistance with service of the Summons and Complaint on Defendant Ohashi. For the  
20 reasons below, the Court GRANTS the motion.  
21

22 **II. DISCUSSION**

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

24  
25 At the plaintiff's request, the court may order that service be made by a  
26 United States marshal or deputy marshal or by a person specially  
27 appointed by the court. The court must so order if the plaintiff is  
28 authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915 or as a  
seaman under 28 U.S.C. § 1916.

29 The Rule allows the Court to order service by the Marshal when requested, and  
30 mandates it for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915.

ORDER- 1

1 Although Plaintiff was granted leave to proceed *in forma pauperis* in this Court, he is not a  
2 prisoner. Thus, service by U.S. Marshal is not mandated. However, the Court recognizes  
3 that Plaintiff has limited means and the Court should assist in the service of this matter.  
4 Plaintiff has provided sufficient information to effect service of the Summons and  
5 Complaint. Accordingly, the Court GRANTS his motion.  
6

### 7 III. CONCLUSION

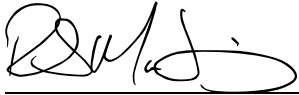
8  
9 Having reviewed Plaintiff's motion, and for the reasons stated above, the Court  
10 hereby finds and ORDERS:

- 11 1. Plaintiff's Motion for Service by U.S. Marshal (Dkt. #7) is GRANTED.
- 12 2. The Clerk SHALL issue Summons to Alexander Ohashi at the following address:  
13 411 University Street, Seattle, WA 98101.
- 14 3. The United States Marshal shall send the following to Defendant Alexander  
15 Ohashi by first class mail:
  - 16 a. a copy of the Complaint (Dkt. #5) and of this Order;
  - 17 b. a copy of the Summons;
  - 18 c. two copies of the Notice of Lawsuit and Request for Waiver of Service of  
19 Summons;
  - 20 d. a Waiver of Service of Summons; and
  - 21 e. a return envelope, postage prepaid, addressed to the Clerk's Office.
- 22 4. All costs of service shall be advanced by the United States.
- 23 5. The Clerk SHALL assemble the necessary documents to effect service.
- 24 6. Defendant Ohashi shall have **thirty (30) days** within which to return the Waiver  
25 of Service of Summons. If Defendant Ohashi timely returns the signed Waiver,  
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1 he shall have **sixty (60) days** after the date designated on the Notice of Lawsuit to  
2 file and serve an Answer or a motion directed to the Complaint, as permitted by  
3 Rule 12 of the Federal Rules of Civil Procedure. **If Defendant Ohashi fails to**  
4 **timely return the signed Waiver, he will be personally served with a**  
5 **Summons and Complaint, and may be required to pay the full costs of such**  
6 **service, pursuant to Rule 4(d)(2).** A Defendant who has been personally served  
7 shall file an Answer or motion permitted under Rule 12 within **twenty-one (21)**  
8 **days** after service.

11 7. The Clerk shall mail a copy of this Order to Plaintiff via U.S. Mail.

13 DATED this 8<sup>th</sup> day of June 2018.



15  
16 RICARDO S. MARTINEZ  
17 CHIEF UNITED STATES DISTRICT JUDGE