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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JUSTEN WILLIAM DEFRANG,

Plaintiff,

v.

JOHN DOE MEYER PROPERTY  
OFFICER WASHINGTON STATE  
PENITENTIARY,

Defendants.

CASE NO. C09-5757BHS

ORDER DIRECTING SERVICE  
BY UNITED STATES  
MARSHAL

Plaintiff has been granted leave to proceed *in forma pauperis*. The court finds it is appropriate for the U.S. Marshal to attempt service by mail in this matter.

Service of the complaint shall proceed as directed below:

- (1) Service by United States Marshal.

It is hereby ORDERED that the United States Marshal shall send the following to each named defendant by first class mail: a copy of the Complaint and of this Order, two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver of service of Summons, and a return envelope, postage prepaid, addressed to the Clerk’s Office. All costs of

1 service shall be advanced by the United States. The Clerk shall assemble the necessary  
2 documents to effect service.

3 (2) Response Required

4 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of  
5 Service of Summons. Each defendant who timely returns the signed Waiver shall have **sixty**  
6 **(60) days** after the date designated on the Notice of Lawsuit to file and serve an answer or a  
7 motion directed to the complaint, as permitted by Rule 12 of the Federal Rules of Civil  
8 Procedure.  
9

10 Any defendant who fails to timely return the signed Waiver will be personally served  
11 with a summons and complaint, and may be required to pay the full costs of such service,  
12 pursuant to Rule 4(d)(2). A defendant who has been personally served shall file an answer or  
13 motion permitted under Rule 12 within **thirty (30) days** after service.  
14

15 (3) Filing and Service by Parties, Generally.

16 All original documents and papers submitted for consideration by the court in this case,  
17 and a duplicate of all such papers, are to be filed with the Clerk of this court. The originals and  
18 copies of all such papers shall indicate in the upper right-hand corner the name of the Magistrate  
19 Judge to whom the copies are to be delivered. The papers shall be accompanied by proof that  
20 such documents have been served upon counsel for the opposing party (or upon any party acting  
21 *pro se*). The proof shall show the day and manner of service and may be written  
22 acknowledgment of service, by certificate of a member of the bar of this court, or by affidavit of  
23 the person who served the papers.  
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1 party's evidence as the truth, and entering final judgment in favor of the moving party without a  
2 full trial. Rand v. Rowland, 113 F.3d 1520 (9<sup>th</sup> Cir. 1997).

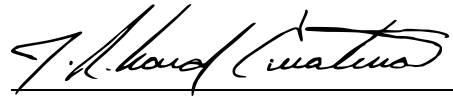
3 (6) Direct Communications with District Judge or Magistrate Judge

4 No direct communication is to take place with the District Judge or Magistrate Judge with  
5 regard to this case. All relevant information and papers are to be directed to the Clerk.  
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7 (7) Clerk's Action

8 The Clerk is directed to send a copy of this to plaintiff.

9 DATED this 23<sup>rd</sup> day of December, 2009.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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