

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICARDO CAPELLO,

Plaintiff,

v.

LESLIE SZIEBERT et al.,

Defendant.

CASE NO. C13-5275 BHS-JRC

ORDER DIRECTING THE UNITED  
STATES MARSHAL'S OFFICE TO  
PERSONALLY SERVE DEFENDANT  
CUNNINGHAM AND DIRECTING  
DEFENDANT TO SHOW CAUSE

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

On April 15, 2013, this Court entered an order directing the Clerk's office to attempt service by mail on all named defendants (ECF No. 7). The Clerk's office attempted to serve a waiver of summons and complaint on defendant Kelley Cunningham at his work address, Washington State Department of Fish & Wildlife, 1111 Washington Street S.E. 6th Floor- NRB, Olympia, Washington 98501. Defendant Cunningham did not respond to the attempt asking him to waive personal service of process.

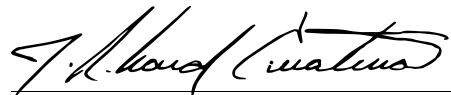
ORDER DIRECTING THE UNITED STATES  
MARSHAL'S OFFICE TO PERSONALLY SERVE  
DEFENDANT CUNNINGHAM AND DIRECTING  
DEFENDANT TO SHOW CAUSE - 1

1 Plaintiff now asks the Court to order the United States Marshal's Office to attempt  
2 personal service (ECF No. 37). Plaintiff states that he has spoken with Mr. Cunningham's  
3 secretary and verified the address where Mr. Cunningham works.

4 The Court orders the United States Marshal's Office to personally serve Mr. Cunningham  
5 with a summons and the complaint in this action. The Clerk's Office is directed to prepare the  
6 necessary forms and provide a copy of the complaint (ECF No. 5).

7 Defendant Cunningham is directed to show cause on or before October 4, 2013, why he  
8 should not be charged for the cost of serving him.

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10 Dated this 14<sup>th</sup> day of August, 2013.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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