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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL CARROLL,

Plaintiff,

v.

KELSEY STEWART, JANE DOE,

Defendants.

CASE NO. C15-5170 BHS-JRC

ORDER DIRECTING SERVICE OF  
CIVIL RIGHTS COMPLAINT

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding with this action *pro se* and *in forma pauperis*. The Court, having reviewed plaintiff's complaint, hereby ORDERS as follows:

(1) Service by Clerk

The Clerk is directed to send the following to the named defendants by first class mail: a copy of plaintiff's complaint, a copy 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.

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1 (2) Response Required

2 Defendant(s) shall have **thirty (30) days** within which to return the enclosed waiver of  
3 service of summons. A defendant who timely returns the signed waiver shall have **sixty (60)**  
4 **days** after the date designated on the notice of lawsuit to file and serve an answer to the  
5 complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

6 A defendant who fails to timely return the signed waiver will be personally served with a  
7 summons and complaint, and may be required to pay the full costs of such service, pursuant to  
8 Rule 4(d)(2) of the Federal Rules of Civil Procedure. A defendant who has been personally  
9 served shall file an answer or motion permitted under Rule 12 within **thirty (30) days** after  
10 service.

11 (3) Filing and Service by Parties, Generally

12 All attorneys admitted to practice before this Court are required to file documents  
13 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,  
14 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov), for a detailed description of the requirements for filing via CM/ECF.  
15 All non-attorneys, such as *pro se* parties and/or prisoners, may continue to file a paper original  
16 with the Clerk. All filings, whether filed electronically or in traditional paper format, must  
17 indicate in the upper right hand corner the name of the magistrate judge to whom the document  
18 is directed.

19 For any party filing electronically, when the total of all pages of a filing exceeds fifty  
20 (50) pages in length, a paper copy of the document (with tabs or other organizing aids as  
21 necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be  
22 clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."  
23



1 The party making the motion may file and serve, not later than 11:59 p.m. (if filing  
2 electronically) or 4:30 p.m. (if filing a paper original with the Clerk's office) on the date  
3 designated for consideration of the motion, a reply to the opposing party's briefs and affidavits.

4 (5) Motions to Dismiss and Motions for Summary Judgment

5 Parties filing motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil  
6 Procedure and motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil  
7 Procedure should acquaint themselves with those rules. As noted above, these motions shall be  
8 noted for consideration no earlier than the fourth Friday following filing and service of the  
9 motion.

10 Defendants filing motions to dismiss or motions for summary judgment are advised that they  
11 MUST serve *Rand* notices concurrently with motions to dismiss and motions for summary  
12 judgment so that *pro se* prisoner plaintiffs will have fair, timely and adequate notice of what is  
13 required of them in order to oppose those motions. *Woods v. Carey*, 684 F.3d 934, 941 (9th Cir.  
14 2012). The Ninth Circuit has set forth model language for such notices:

15 A motion for summary judgment under Rule 56 of the Federal Rules of  
16 Civil Procedure will, if granted, end your case.

17 Rule 56 tells you what you must do in order to oppose a motion for  
18 summary judgment. Generally, summary judgment must be granted when  
19 there is no genuine issue of material fact – that is, if there is no real  
20 dispute about any fact that would affect the result of your case, the party  
21 who asked for summary judgment is entitled to judgment as a matter of  
22 law, which will end your case. When a party you are suing makes a  
23 motion for summary judgment that is properly supported by declarations  
(or other sworn testimony), you cannot simply rely on what your  
complaint says. Instead, **you must set out specific facts in declarations,  
depositions, answers to interrogatories, or authenticated documents,  
as provided in Rule 56(e), that contradict the facts shown in the  
defendant's declarations and documents and show that there is a  
genuine issue of material fact for trial. If you do not submit your own  
evidence in opposition, summary judgment, if appropriate, may be**

1                   **entered against you. If summary judgment is granted, your case will**  
2                   **be dismissed and there will be no trial.**

3 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added).

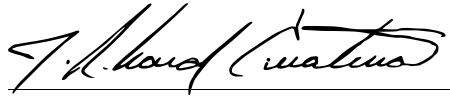
4                   Defendants who fail to file and serve the required *Rand* notices on plaintiff may have  
5 their motion stricken from the Court's calendar with leave to re-file.

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

7                   No direct communication is to take place with the District Judge or Magistrate Judge with  
8 regard to this case. All relevant information and papers are to be directed to the Clerk.

9                   (7)      The Clerk is directed to send copies of this Order and of the Court's *pro se*  
10 instruction sheet to plaintiff. The Clerk is further directed send a copy of this Order and a  
11 courtesy copy of plaintiff's complaint to Washington State Attorney General's Office.

12                   Dated this 25th day of March, 2015.

13                   

14                   J. Richard Creatura  
15                   United States Magistrate Judge