	DISTRICT COURT T OF WASHINGTON
AT TA	СОМА
MICHAEL CARROLL,	CASE NO. C15-5170 BHS-JRC
Plaintiff,	ORDER DIRECTING SERVICE OF CIVIL RIGHTS COMPLAINT
v.	CIVIL RIGHTS COMPLAINT
KELSEY STEWART, JANE DOE,	
Defendants.	
This is a civil rights action brought pursu	ant to 42 U.S.C. § 1983. Plaintiff is proceeding
with this action <i>pro se</i> and <i>in forma pauperis</i> . T	he Court, having reviewed plaintiff's complaint,
hereby ORDERS as follows:	
(1) <u>Service by Clerk</u>	
The Clerk is directed to send the followir	ng to the named defendants by first class mail: a
copy of plaintiff's complaint, a copy of this Orde	er, two copies of the notice of lawsuit and
request for waiver of service of summons, a waiv	ver of service of summons, and a return
envelope, postage prepaid, addressed to the Cler	k's Office.
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	WESTERN DISTRIC AT TA MICHAEL CARROLL, V. KELSEY STEWART, JANE DOE, Defendants. This is a civil rights action brought pursu with this action <i>pro se</i> and <i>in forma pauperis</i> . Thereby ORDERS as follows: (1) <u>Service by Clerk</u> The Clerk is directed to send the followin copy of plaintiff's complaint, a copy of this Order request for waiver of service of summons, a waive envelope, postage prepaid, addressed to the Clerk

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## (2) <u>Response Required</u>

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

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

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## (3) <u>Filing and Service by Parties, Generally</u>

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

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

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 upon all parties that have entered a notice of appearance in the underlying matter.

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(4) <u>Motions, Generally</u>

Any request for court action shall be set forth in a motion, properly filed and served.
Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
part of the motion itself and not in a separate document. The motion shall include in its caption
(immediately below the title of the motion) a designation of the date the motion is to be noted for
consideration upon the Court's motion calendar.

9 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for 10 reconsideration, joint submissions pursuant to the option procedure established in LCR 37(a)(2), 11 motions for default, requests for the clerk to enter default judgment, and motions for the court to 12 enter default judgment where the opposing party has not appeared shall be noted for 13 consideration on the day they are filed. See LCR 7(d)(1). All other non-dispositive motions 14 shall be noted for consideration no earlier than the third Friday following filing and service of the 15 motion. See LCR 7(d)(3). All dispositive motions shall be noted for consideration no earlier than the fourth Friday following filing and service of the motion. Id. 16

For electronic filers, all briefs and affidavits in opposition to either a dispositive or nondispositive motion shall be filed and served not later than 11:59 p.m. on the Monday
immediately preceding the date designated for consideration of the motion. If a party (i.e. a *pro se* litigant and/or prisoner) files a paper original, that opposition must be received in the Clerk's
office by 4:30 p.m. on the Monday preceding the date of consideration.

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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) <u>Motions to Dismiss and Motions for Summary Judgment</u>
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 judge 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 Civil Procedure will, if granted, end your case.
16	civil i locedure will, li granted, end your ease.
17	Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real
18	dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of
19	law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations
20	(or other sworn testimony), you cannot simply rely on what your complaint says. Instead, <b>you must set out specific facts in declarations</b> ,
21	depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts shown in the
22	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
23	evidence in opposition, summary judgment, if appropriate, may be

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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) <u>Direct Communications with District Judge or Magistrate Judge</u>
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 <i>pro se</i>
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.
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14	J. Richard Creatura
15	United States Magistrate Judge
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