UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

HERBERT HUBER,

Plaintiff,

v.

FISHER,

Defendant.

No. 2:25-cv-1311-DC-CKD PS

ORDER DIRECTING SERVICE

Plaintiff Herbert Huber proceeds without counsel and seeks relief for an alleged violation of his federal civil rights based on the seizure of his vehicle.[1] By this order, the court orders service of the first amended complaint (ECF No. 4) on defendant Fisher.

For the reasons set forth above, IT IS ORDERED as follows:

1. Service of the first amended complaint (ECF No. 4) is appropriate for Officer Fisher.

2. The Clerk of Court shall issue process pursuant to Rule 4 of the Federal Rules of Civil Procedure. The Clerk shall send to plaintiff (i) one copy of this order, (ii) one summons and one USM-285 form (with related documents); (iii) one copy of the Consent/Decline form for each

[1] This matter is before the undersigned pursuant to Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1).

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named party; and (iv) a copy of the court's order setting status conference;

3. Within 30 days from the date of this order, plaintiff shall supply the U.S. Marshal (501 I Street, 5th Floor, Sacramento, CA 95814) all information needed to effectuate service of process. To do so, the U.S. Marshal will require:

a. For the defendant to be served: (i) a copy of this order, (ii) a completed summons and completed USM-285 form, (iii) a Consent/Decline form, and (iv) a copy of the complaint and court's order setting status conference;

b. For the U.S. Marshal: an extra copy of the complaint;

4. Within 10 days of submitting the documents to the U.S. Marshal, plaintiff shall file a statement with the court indicating the Marshal has the documents;

5. The U.S. Marshal shall serve process—including copies of this court's scheduling order and Consent/Decline forms for the defendant—within 90 days of receipt of the required information from plaintiff, without prepayment of costs;

6. If defendant waives service, defendant is required to return the signed waiver to the U.S. Marshal. The filing of an answer or a responsive motion does not relieve defendant of this requirement, and the failure to return the signed waiver may subject defendant to an order to pay the costs of service by the U.S. Marshal; and

7. Failure to comply with this order may result in any appropriate sanctions, including monetary sanctions and/or dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b).

Dated: September 24, 2025

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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