

INSTRUCTIONS FOR COMPLETING THE MARSHAL SERVICE FORM (FORM USM-285)

(Rev. 4/29/10)

If you have not been otherwise instructed by the Court, you need a Marshal form for each of the defendants who will be served by the U.S. Marshal. It is very important to **accurately** complete the Marshal's form according to the instructions below. If you do not complete the form, the Marshal will not serve your papers. You should type the information or print it legibly in block letters. Make sure that the information can be read on all pages of the form. If the Marshal cannot read the form, the Marshal will not be able to serve your papers.

Attached is a copy of the Marshal's form. Each space that requires a response by you is marked with a letter. The instructions below explain how to complete each lettered space.

A. The name of the plaintiff goes here. If there is more than one plaintiff, write the first plaintiff's name and then "et al."

B. The docket number of the case, followed by the Judge's initials, goes here. For example, you would write "3:97cv1234 (ABC)."

C. The name of the **first** defendant in the lawsuit goes here. For example, suppose James Jones is suing Warden Andy Anderson, Bob Black and Steve Smith. **Even if** this Marshal's form is to have Bob Black served, the name which goes in this space is Warden Anderson, because he is the first defendant.

D. In this space you state what kind of process you are asking the Marshal to serve. If the Marshal is to serve the complaint, you write the word "complaint." If the Clerk has told you that you need a summons because the Marshal will be serving your complaint in person, then you would write the words "summons and complaint." If the Marshal will be serving the complaint with the Notice of Lawsuit and Request for Waiver of Service of Summons forms, then you would write the words "complaint, notice and waiver." Sometimes the Marshal will serve other papers for you such as a subpoena. If so, you would write "subpoena."

E. In this space you write the name of the particular defendant you are asking the Marshal to serve with this Marshal's form. For example, in the lawsuit described in C above, the name that would go in this space would be "Bob Black" because he is the person to be served with this form. Unless you were otherwise instructed by the Court, you would also complete a separate form with Warden Anderson in this space and another form with Steve Smith in this space.

F. In this space you would write the address of the particular defendant that you are asking the Marshal to serve with this Marshal's form. You must provide a complete street address (do not enter a PO Box.) If you do not provide a complete address, the Marshal will not serve your papers.

G. Print your name and address here. This is where the Marshal will send you notice that your papers have been served. If you are a prisoner, you must include your inmate number.

H. In this space you place the number of copies of papers which are to be served by the Marshal with this one Marshal's form. Usually this will be "1." In some kinds of cases-- for example, cases in which you are suing a federal agency--the number will be greater.

I. In this space, write the number of defendants who can be identified at this time. For example, suppose Jane Jones sues Warden Taylor, C.O. John Doe and C.O. Wilson (John Doe is a fictitious name for an unidentified defendant). You would put "2" in this space because there are only two identified defendants who can be served now. Later, if you identify the name of one of the unidentified defendants, you can submit new forms to the Marshal to serve the newly identified defendant. If you are a prisoner, you may be instructed by the Court to put a different number in this space.

J. Check this box if any of your defendants is a federal agency or a federal official or if the United States is a defendant.

K. Write any special instructions here. For example, if you are suing a state official in his individual capacity you would write "Individual Capacity" in this space. Unless you are otherwise instructed by the Court, if you are suing a state official in his individual capacity and in his official capacity, you must complete two Marshal's forms for that person. On one form you would write "Individual Capacity" in this space; on the other form you would write "Official Capacity" in this space.

L. Sign your name here.

M. Check here to indicate whether you are the plaintiff or the defendant.

N. Write your telephone number here. If you are a prisoner or have no telephone number write "none."

O. Write the date on which you filled out the form here.

Do not write on any other space on the form. Return the completed form to the Clerk's Office exactly as it was provided to you. **Do not** separate the form or remove the carbon paper. If the form is not returned intact, the Marshal will not serve your papers.