

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

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." 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. 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.

PLAINTIFF (A)	COURT CASE NUMBER (B)
DEFENDANT (C)	TYPE OF PROCESS (D)

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
(E)
(F)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW (G)	Number of process to be served with this Form 285 (H)
	Number of parties to be served in this case (I)
	Check for service on U.S.A. (J)

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

(K)

Signature of Attorney other Originator requesting service on behalf of: (L) (M) → <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (N)	DATE (O)
--	--------------------------------	--------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
---	------------------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)	Signature of U.S. Marshal or Deputy	

Costs shown on attached USMS Cost Sheet >>

REMARKS

INSTRUCTIONS FOR COMPLETING USM-285, PROCESS RECEIPT AND RETURN

- The Form USM-285 is a five-copy form set designed as a control document for process served by a U.S. Marshal or designee. Process may include, but is not limited to, a summons and complaint, subpoena, writ, or court order. The United States Marshals Service (USMS) is authorized by law (28 U.S.C. § 1921) to charge fees for the service of process. The amount of fees charged is established by regulation (28 C.F.R. § 0.114). Except in cases where the litigant has been granted permission by the court for waiver of prepayment of fees and costs, the USMS must request advance payment of the estimated fees and expenses for service of process.
- Please type or print legibly. Submit one copy of the Form USM-285 and one copy of each process for each individual, company, corporation, government agency, etc., to be served or property to be seized.
- In cases where the court has directed the USMS to effect service of a summons and complaint upon an officer or agent of the United States Government, submit a copy of the summons and complaint and Form USM-285 for each officer or agent upon whom service is desired. Submit two (2) additional copies of the summons and complaint for service upon the Government of the United States. The U.S. Marshal or designee will serve one copy upon the U.S. Attorney and will forward the other copy to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or designee certifies service on the U.S. Attorney and the U.S. Attorney General, regardless of whether other defendants on the summons were served). Failure to provide sufficient copies will delay service of the summons.
- Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the USMS in expediting service. You are responsible for providing accurate and sufficient information that will identify the individual or entity to be served or the property to be seized.
- If more than one item of process and Form USM-285 is submitted on a single case, the U.S. Marshal or designee will receipt for all of them on the first Form USM-285. You will receive for your records the "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the process is served, you will receive the "Notice of Service" copy. This copy will be identical to the return to the Clerk of the U.S. District Court.
- Upon completion of all services, you will receive a "Billing Statement" copy of Form USM-285. You should return this "Billing Statement" copy to the USMS, together with your payment, in the form of a certified or bank check payable to the U.S. Marshal, for any amounts still owed. Alternatively, the USMS will accept cash. The USMS will not accept personal checks.

PLAINTIFF	COURT CASE NUMBER
DEFENDANT	TYPE OF PROCESS

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285
	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Signature of Attorney other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
---	------------------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I ☐ have personally served , ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (*See remarks below*)

Name and title of individual served (<i>if not shown above</i>)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Address (<i>complete only different than shown above</i>)	Signature of U.S. Marshal or Deputy	

Costs shown on [attached USMS Cost Sheet](#) >>

REMARKS