



United States District Court
DISTRICT OF MINNESOTA

LR 4.1 SERVICE

The United States Marshals Service is not required to serve civil process for litigants, except as required by the Federal Rules of Civil Procedure or by federal law, or as ordered by the court for good cause. A consenting sheriff or deputy sheriff of any Minnesota county acting within his or her jurisdiction is hereby specially appointed to serve, execute, or enforce civil process that is subject to Fed. R. Civ. P. 4.1.

[Adopted effective November 1, 1996; amended May 1, 2000; amended July 23, 2012]

2012 Advisory Committee's Note to LR 4.1

The language of LR 4.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

1996 Advisory Committee's Note to LR 4.1

LR 4.1 has been amended to conform to the Federal Rules of Civil Procedure and to eliminate portions that merely repeated those National Rules. LR 4.1 does not modify the National Rules, except to emphasize that a party must show good cause to obtain a Court order requiring that the United States Marshal's Service serve process.

Federal Rule of Civil Procedure 4(c) allows a summons and complaint to be served by any nonparty who is at least 18 years of age, and relieves the United States Marshal's Service of any duty to serve the summons and complaint. The Court is required, however, to appoint a Marshal, Deputy Marshal, or other person to serve a summons and complaint when the plaintiff is "authorized to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 or is authorized to proceed as a seaman under 28 U.S.C. § 1916."

Fed. R. Civ. P. 4(c) also provides that the Court has discretion to appoint a Deputy Marshal or other person to effect service of process. An example of a situation in which a litigant could reasonably seek special appointment of a Deputy Marshal to make service is one in which an enforcement presence is required, such as a temporary restraining order, injunction, attachment, arrest, or order relating to a judicial sale.

For procedure on execution, see Fed. R. Civ. P. 69, which requires that state procedures on execution be followed unless a statute of the United States provides otherwise. Nothing in this rule is intended to modify the obligation of the U.S. Marshals Service to execute process issued under the authority of the District Court.