

Question

If requesting service by U.S. Marshals and filing in Oklahoma federal court, how can service be effected on defendants located in Texas and Oklahoma?

Answer (U.S. Federal)

Short response

When requesting service by U.S. Marshals for a case filed in Oklahoma federal court, service can be effected on defendants located in both Texas and Oklahoma through court order upon plaintiff's request. The U.S. Marshals can serve process nationwide, allowing them to serve defendants in both Oklahoma and Texas, subject to specific procedural requirements and circumstances outlined in Federal Rules of Civil Procedure.

Summary

Service by U.S. Marshals for defendants located in Texas and Oklahoma in a case filed in Oklahoma federal court is governed by Federal Rules of Civil Procedure, specific federal statutes, and procedural requirements. U.S. Marshals are not automatically authorized to serve defendants in every civil action but may do so upon court order at the plaintiff's request, particularly in certain circumstances such as when a party is proceeding in forma pauperis, on behalf of a seaman, on behalf of the United States or its officers or agencies, or when specifically ordered by the court. When service by U.S. Marshals is authorized, the plaintiff must complete Form No. 285 ("U.S. Marshals Service Process Receipt and Return") and provide all necessary information regarding the defendants.

The service process for defendants in both Oklahoma and Texas follows similar procedures but is governed by different jurisdictional principles. For defendants located within Oklahoma (the same state as the filing court), service can be effected directly by the U.S. Marshal within the territorial limits of the state. For defendants in Texas, service can still be accomplished by U.S. Marshals through several mechanisms: under [28 U.S.C. § 3004](#) which allows service in any state for certain proceedings; by forwarding the process to another judicial district for service as permitted by [28 U.S.C. § 1921](#); or through methods authorized by state law where service is being effected, as allowed by Federal Rule of Civil Procedure 4. These provisions collectively enable effective service across state lines when properly requested and ordered by the court.

Background and Relevant Law

Federal Statutory Framework for Service by U.S. Marshals

The service of process by U.S. Marshals in federal courts is governed by several key statutory provisions and procedural rules that establish both the authority for service and the methods by which it can be accomplished across state lines.

Authority for Nationwide Service

A fundamental principle enabling service on defendants in different states is found in [28 U.S.C. § 3004](#), which provides: "Except as provided in paragraph -(A) any writ, order, judgment, or other process, including a summons and complaint, filed under this chapter may be served in any State; and (B) such writ, order, or judgment may be enforced by the court issuing the writ, order, or process, regardless of where the person is served with the writ, order, or process." This statutory provision explicitly allows for nationwide service of process and enforcement, meaning that process issued by an Oklahoma federal court can be served on defendants located in Texas.

Similarly, 11 U.S.C. Rule 7004, though primarily applicable to bankruptcy proceedings, affirms the principle of nationwide service: "A summons and complaint (and all other process, except a subpoena) may be served anywhere within the United States." This further supports the concept that federal courts can authorize service beyond their territorial jurisdiction when appropriate statutory authority exists.

Rules Governing Service by U.S. Marshals

The role and authority of U.S. Marshals in serving process is specifically addressed in 28 U.S.C. Rule 4.1, which states: "Process-other than a summons under Rule 4 or a subpoena under Rule 45-must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose. It may be served anywhere within the territorial limits of the state where the district court is located and, if authorized by a federal statute, beyond those limits."

This rule establishes two key principles: (1) certain types of process must be served by U.S. Marshals or their deputies, and (2) such service is generally limited to the territorial limits of the state where the district court is located unless a federal statute authorizes service beyond those limits. For our question concerning service in Texas when the court is in Oklahoma, this means that service by U.S. Marshals across state lines requires proper statutory authorization.

Cross-District Service and Fees

For situations requiring service in a different judicial district, such as serving defendants in Texas from an Oklahoma federal court, [28 U.S.C. §](#)

[1921](#) provides a relevant mechanism: "The United States marshals or deputy marshals shall routinely collect, and a court may tax as costs, fees for the following: ... (C) Forwarding any writ, order, or process to another judicial district for service." This provision explicitly acknowledges and authorizes the practice of forwarding process to another judicial district for service, establishing a procedural pathway for cross-district service by U.S. Marshals.

Alternative Methods of Service

Federal Rule of Civil Procedure 4, as referenced in 28 U.S.C. Rule 4, provides flexibility in how service can be effected. The rule states: "The amendment of the first sentence inserting the word 'thereunder' supports the original intention that the 'order of court' must be authorized by a specific United States statute. ... The second sentence, added by amendment, expressly allows resort in original Federal actions to the procedures provided by State law for effecting service on nonresident parties (as well as on domiciliaries not found within the State)."

This rule further explains: "If the circumstances of a particular case satisfy the applicable Federal law (first sentence of Rule 4(e), as amended) and the applicable State law (second sentence), the party seeking to make the service may proceed under the Federal or the State law, at his option." This provision creates important flexibility in that it allows parties to utilize either federal procedures or those established by state law when effecting service, including service on out-of-state defendants.

Administrative Decisions and Secondary Materials

Several administrative decisions and secondary materials provide additional guidance on the practical implementation of service by U.S. Marshals across state lines.

Circumstances Requiring U.S. Marshal Service

The Federal Litigation Procedure materials consistently outline the specific circumstances under which the U.S. Marshal is authorized to effect service. According to Federal Litigation Procedure (2023-05-01): "The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court."

This guidance, consistently repeated across multiple years of the Federal Litigation Procedure documents (2019-2023), establishes that service by U.S. Marshals is not automatic but requires either a court order or one of the specified statutory circumstances.

Procedural Requirements for U.S. Marshal Service

The Federal Litigation Procedure materials also outline specific procedural requirements that must be followed when requesting service by U.S. Marshals. As stated in Federal Litigation Procedure (2023-05-01): "When utilizing the services of the U.S. Marshal, be sure to provide the marshal with all pertinent information regarding the defendant. Obtain and complete Form No. 285, 'U.S. Marshals Service Process Receipt and Return' to the best of your ability and contact the marshal's office in advance to verify the cost of service, as service costs vary depending on the types of service and number of defendants to be served. The marshal will complete the lower portion of Form No. 285 after service has been accomplished (Fed.R.Civ.P. 4(c))."

These procedural guidelines are essential for properly initiating service by U.S. Marshals and apply regardless of whether the defendants are located within Oklahoma or in Texas.

Service on Corporate Defendants

For corporate defendants specifically, [United States v. ABS Staffing Sols., LLC, 21 OCAHO no. 1632a](#) (2025-02-13) provides relevant guidance: "Service may also be effected by any method identified in Rule 4(e), which allows any method allowed by the state law of the state in which the district court is located or in which service is effected. Fed. R. Civ. P. 4(h)(A), 4(e)."

This decision further explains that service on corporations can be effected by "delivering a copy of... the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process...." This guidance is particularly valuable when serving corporate defendants located in either Oklahoma or Texas.

Nationwide Service Provisions

Some secondary materials shed light on the broader context of nationwide service provisions. As noted in [Transnational litigation and personal jurisdiction over foreign defendants](#) (1996-06-22): "Some of these statutes provide for 'nationwide' and 'worldwide' service of process... Unless otherwise indicated, courts will read statutes containing such service provisions as including an authorization for a national contacts test... After all, 'if Congress can authorize personal jurisdiction over persons anywhere in the United States, it can also authorize personal jurisdiction based on contacts of foreign defendants with the entire United States.'"

While this source is older and primarily focused on foreign defendants, it reinforces the principle that statutory provisions for nationwide service are interpreted broadly by courts to facilitate service across jurisdictional boundaries within the United States.

Analysis

Service on Defendants Located in Oklahoma

For defendants located within Oklahoma (the same state as the filing court), the process for service by U.S. Marshals is relatively straightforward. Under 28 U.S.C. Rule 4.1, U.S. Marshals are authorized to serve process "anywhere within the territorial limits of the state where the district court is located." Since the court is located in Oklahoma, U.S. Marshals can directly serve defendants within Oklahoma without additional jurisdictional hurdles.

The key requirement for such service is obtaining court authorization. As consistently outlined in the Federal Litigation Procedure materials, the U.S. Marshal is "authorized to effect service upon the court's order at the plaintiff's request." This authorization can come through several pathways:

1. The plaintiff is proceeding in forma pauperis
2. The plaintiff is a seaman proceeding under 8 U.S.C. § 1916
3. The plaintiff is the United States or one of its officers/agencies
4. The court specifically orders such service

Once authorized, the plaintiff must complete Form No. 285 ("U.S. Marshals Service Process Receipt and Return") with all pertinent information about the defendant and verify the cost of service with the marshal's office in advance.

For corporate defendants in Oklahoma, service can be effected by delivering the complaint to "an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process," as noted in [United States v. ABS Staffing Sols., LLC, 21 OCAHO no. 1632a](#) (2025-02-13).

Service on Defendants Located in Texas

Serving defendants located in Texas presents additional considerations since it involves cross-state service. However, several statutory provisions and procedural mechanisms make this possible:

1. **Nationwide Service Authority:** Under [28 U.S.C. § 3004](#), "any writ, order, judgment, or other process, including a summons and complaint, filed under this chapter may be served in any State." This provision explicitly authorizes nationwide service for certain federal proceedings, allowing an Oklahoma federal court to issue process that can be served in Texas.
2. **Cross-District Service:** [28 U.S.C. § 1921](#) specifically authorizes "forwarding any writ, order, or process to another judicial district for service." This means that the U.S. Marshal in the Oklahoma district can forward the process to the U.S. Marshal in the appropriate Texas district for service on defendants located there.

3. **State Law Methods:** As outlined in 28 U.S.C. Rule 4 and reinforced in [United States v. ABS Staffing Sols., LLC, 21 OCAHO no. 1632a](#) (2025-02-13), service can also be effected by "any method allowed by the state law of the state in which the district court is located or in which service is effected." This means that service on Texas defendants could follow either Oklahoma state law methods or Texas state law methods, providing additional flexibility.
4. **Service by Certified Mail:** For certain types of actions, such as those involving U.S. officers or employees, [28 U.S.C. § 1391](#) notes that "delivery of the summons and complaint to the officer or agency as required by the rules may be made by certified mail beyond the territorial limits of the district in which the action is brought." While this provision is specific to certain types of defendants, it illustrates another method by which service across state lines can be accomplished.

The procedural requirements for requesting such service remain the same as for in-state service: the plaintiff must obtain court authorization (either through one of the mandatory circumstances or by specific court order), complete Form No. 285 with all relevant information, and coordinate with the marshal's office regarding costs and logistics.

Practical Implementation

From a practical standpoint, implementing service by U.S. Marshals on defendants in different states requires careful attention to both procedural requirements and jurisdictional considerations:

1. **Obtaining Court Authorization:** The first step is to request and obtain court authorization for service by U.S. Marshals. This can come through qualifying under one of the mandatory circumstances (in forma pauperis status, seaman status, or U.S. government status) or by filing a motion requesting the court to specifically order such service.
2. **Preparing Form No. 285:** Once authorization is obtained, the plaintiff must complete Form No. 285 for each defendant to be served. As noted in Federal Litigation Procedure (2023-05-01), this form should include "all pertinent information regarding the defendant" to facilitate successful service.
3. **Coordinating with Marshal's Office:** The plaintiff should contact the marshal's office in advance to verify the cost of service, as these costs "vary depending on the types of service and number of defendants to be served." This coordination is particularly important when service involves multiple districts.
4. **Method of Service for Out-of-State Defendants:** For defendants in Texas, the plaintiff should specify whether service will be accomplished through:
 - Direct nationwide service under [28 U.S.C. § 3004](#)

- Forwarding to another judicial district under [28 U.S.C. § 1921](#)
- State law methods from either Oklahoma or Texas

5. Documentation of Service: After service is completed, the U.S. Marshal will complete the lower portion of Form No. 285 as confirmation of service, providing the necessary documentation for the court record.

Service on Different Types of Defendants

The specific method of service may vary depending on the type of defendant being served:

- 1. Individual Defendants:** For individuals in either Oklahoma or Texas, personal delivery is typically the most straightforward method, though service by mail may be available under certain circumstances or state laws.
- 2. Corporate Defendants:** As noted in [United States v. ABS Staffing Sols., LLC, 21 OCAHO no. 1632a](#) (2025-02-13), service on corporations involves "delivering a copy of... the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process." This principle applies whether the corporation is located in Oklahoma or Texas.
- 3. Government Defendants:** For defendants who are government entities or officials, additional or specialized procedures may apply, particularly if they involve federal officials as referenced in [28 U.S.C. § 1391](#).

Exceptions and Caveats

Despite the general frameworks outlined above, several exceptions and caveats warrant consideration:

- 1. Limitations on Automatic U.S. Marshal Service:** As emphasized in multiple Federal Litigation Procedure sources, "The U.S. Marshal is not authorized to serve defendants in every civil action." Service by U.S. Marshals is the exception rather than the rule in most civil actions, requiring specific circumstances or court authorization.
- 2. Cost Considerations:** The services of U.S. Marshals generally involve fees that must be paid in advance, except in cases where the plaintiff qualifies for fee waivers (such as in forma pauperis status). These costs can be substantial, especially when serving multiple defendants across different districts.
- 3. Time Factors:** Service across state lines, particularly when it involves forwarding to another judicial district, may take additional time compared to local service. This timing factor should be considered when planning litigation strategy and addressing service deadlines.

4. **Statutory Prerequisites:** Some provisions for nationwide service are limited to specific types of actions or proceedings. For example, the broad language of [28 U.S.C. § 3004](#) applies specifically to actions or proceedings under "this chapter" (Federal Debt Collection Procedures). Plaintiffs should ensure that any relied-upon statutory authority for nationwide service actually applies to their specific type of case.
5. **Alternative Service Methods:** While the question focuses specifically on service by U.S. Marshals, it's worth noting that in many circumstances, other methods of service (such as private process servers) may be more expedient or cost-effective, especially for defendants in distant locations.

Conclusion

Service by U.S. Marshals on defendants located in both Oklahoma and Texas when filing in an Oklahoma federal court is procedurally possible through several mechanisms provided by federal statutes and rules. The process requires court authorization through either specific circumstances (in forma pauperis status, seaman status, or U.S. government status) or by specific court order.

For defendants within Oklahoma, service can be effected directly by U.S. Marshals within the territorial limits of the state. For defendants in Texas, service can be accomplished through nationwide service provisions ([28 U.S.C. § 3004](#)), forwarding to another judicial district ([28 U.S.C. § 1921](#)), or methods authorized by state law (Federal Rule of Civil Procedure 4).

In all cases, the plaintiff must complete Form No. 285 with all pertinent information about the defendant, coordinate with the marshal's office regarding costs and logistics, and specify the appropriate method of service. After service is completed, the U.S. Marshal will document the service on the return portion of Form No. 285.

The availability of service by U.S. Marshals across state lines reflects the federal judicial system's need to facilitate nationwide enforcement of federal court orders and judgments. While specific procedural requirements must be followed, these mechanisms ensure that defendants cannot evade service simply by being located in a different state from where the action is filed.

For practitioners seeking to effect service by U.S. Marshals on defendants in different states, careful attention to the procedural requirements, statutory authorizations, and practical logistics is essential to ensure effective and valid service that will withstand potential challenges.

Legal Authorities

[28 U.S.C. r. 4](#) [28 U.S.C. r. 4 Summons](#)

Extract

Subdivision (e). For the general relation between subdivisions (d) and (e), see 2 Moore, *supra*, 4.32. The amendment of the first sentence inserting the word 'thereunder' supports the original intention that the 'order of court' must be authorized by a specific United States statute. ... The second sentence, added by amendment, expressly allows resort in original Federal actions to the procedures provided by State law for effecting service on nonresident parties (as well as on domiciliaries not found within the State). ... If the circumstances of a particular case satisfy the applicable Federal law (first sentence of Rule 4(e), as amended) and the applicable State law (second sentence), the party seeking to make the service may proceed under the Federal or the State law, at his option.

Summary

Service can be made under federal law or state law, depending on the circumstances of the case, which is directly relevant to the question of how to effect service on defendants in different states.

[**28 U.S.C. § 3004**](#) [**28 U.S.C. § 3004 Service of Process; Enforcement; Notice**](#)

Extract

Except as provided in paragraph -(A) any writ, order, judgment, or other process, including a summons and complaint, filed under this chapter may be served in any State; and (B) such writ, order, or judgment may be enforced by the court issuing the writ, order, or process, regardless of where the person is served with the writ, order, or process.

Summary

Under 28 U.S.C. § 3004, service of process in actions or proceedings under this chapter can be effected in any state, including Texas and Oklahoma, regardless of where the federal court is located. This means that if a case is filed in Oklahoma federal court, service can be effected on defendants located in Texas and Oklahoma. The court issuing the process can enforce it regardless of the location of the defendants.

[**28 U.S.C. r. 4.1**](#) [**28 U.S.C. r. 4.1 Serving Other Process**](#)

Extract

Process-other than a summons under Rule 4 or a subpoena under Rule 45-must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose. It may be served anywhere within the

territorial limits of the state where the district court is located and, if authorized by a federal statute, beyond those limits.

Summary

The passage from 28 U.S.C. r. 4.1 provides guidance on how service of process can be effected by U.S. Marshals. It specifies that process, other than a summons or subpoena, must be served by a U.S. Marshal or a specially appointed person. The service can occur within the state where the district court is located and, if a federal statute authorizes it, beyond those state limits. This is relevant for serving defendants in both Oklahoma and Texas when the case is filed in an Oklahoma federal court.

[11 U.S.C. r. 1010 11 U.S.C. r. 1010 Serving an Involuntary Petition and Summons](#)

Extract

The summons must be served with a copy of the petition in the manner that Rule 7004(a) and (b) provide for service of a summons and complaint. If service cannot be so made, the court may order service by mail to the debtor's last known address, and by at least one publication as the court orders. Service may be made anywhere. Rule 7004(e) and Fed. R. Civ. P. 4(l) govern service under this rule.

Summary

Rule 1010 provides guidance on serving an involuntary petition and summons. It specifies that service must be made in accordance with Rule 7004(a) and (b), which allows for service by personal delivery or mail. If these methods are not feasible, the court may permit service by mail to the last known address and by publication. The rule also states that service can be made anywhere, indicating no territorial limits within the United States. This is relevant to serving defendants located in different states, such as Texas and Oklahoma, from an Oklahoma federal court.

[28 U.S.C. § 1391 28 U.S.C. § 1391 Venue Generally](#)

Extract

SERVICE.-The summons and complaint in such an action shall be served as provided by the Federal Rules of Civil Procedure except that the delivery of the summons and complaint to the officer or agency as required by the rules may be made by certified mail beyond the territorial limits of the district in which the action is brought.

Summary

The passage from 28 U.S.C. § 1391 discusses the service of summons and complaints in civil actions involving officers or employees of the United States. It specifies that service should be conducted according to the Federal Rules of Civil Procedure, with the allowance for delivery by certified mail beyond the district's territorial limits. This is relevant to the question as it provides a method for serving defendants located outside the district where the action is filed, such as in Texas when the case is filed in Oklahoma.

[28 U.S.C. § 1921](#) [28 U.S.C. § 1921](#) United States Marshal's Fees

Extract

The United States marshals or deputy marshals shall routinely collect, and a court may tax as costs, fees for the following: ... (C) Forwarding any writ, order, or process to another judicial district for service.

Summary

U.S. Marshals can forward any writ, order, or process to another judicial district for service. This is directly relevant to the question as it addresses the procedure for serving defendants located in different states, such as Texas and Oklahoma, when the case is filed in an Oklahoma federal court.

[11 U.S.C. r. 7004](#) [11 U.S.C. r. 7004](#) Process; Issuing and Serving a Summons and Complaint

Extract

A summons and complaint (and all other process, except a subpoena) may be served anywhere within the United States.

Summary

Under Rule 7004, service of a summons and complaint can be effected anywhere within the United States. This means that if a case is filed in an Oklahoma federal court, the service of process can be carried out on defendants located in Texas and Oklahoma without geographical restrictions within the U.S. This provision allows for nationwide service of process, which is particularly relevant in federal cases, including those involving bankruptcy proceedings.

[Transnational litigation and personal jurisdiction over foreign defendants.](#)

**Albany Law Review - Albany Law School - Hornbeck, Sean K. -
1996-06-22**

Extract

jurisdiction issues.(270) Some of these statutes provide for 'nationwide' and 'worldwide' service of process.(271) Lower courts frequently apply these provisions to permit service of process abroad and the use of a national contacts test.(272) For example in Go-Video, Inc. v. Akai Electric Co.,(273) the Ninth Circuit construed 'worldwide' or national service of process provisions as legislatively authorizing both service abroad and the use of a national contacts tests for purposes of asserting personal jurisdiction over foreign defendants.(274) The Go-Video court, as followed by most other lower courts, found that the use of national contacts in these circumstances was consonant with the requirements of due process as guaranteed by the Fifth Amendment.(275) Unless otherwise indicated, courts will read statutes containing such service provisions as including an authorization for a national contacts test.(276) After all, 'if Congress can authorize personal jurisdiction over persons anywhere in the United States, it can also authorize personal jurisdiction based on contacts of foreign defendants with the entire United States.'(277)

Summary

Certain federal statutes allow for nationwide service of process, which means that service can be effected across state lines within the United States. This is particularly relevant in federal question cases where such statutes are applicable. The passage also highlights that courts often interpret these statutes to allow for a national contacts test, which aligns with due process requirements.

[Federal litigation procedure](#)

Legal Secretary Federal Litigation - 2021 - James Publishing - Pamela Everett Nollkamper - 2021-08-10

Extract

The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court. When utilizing the services of the U.S. Marshal, be sure to provide the marshal with all pertinent information regarding the defendant. Obtain and complete Form No. 285, "U.S. Marshals Service Process Receipt and Return" to the best of your ability and contact the marshal's office in advance to verify the cost of service, as service costs vary depending on the types of service and number of defendants to be served.

The marshal will complete the lower portion of Form No. 285 after service has been accomplished (Fed.R.Civ.P. 4(c)).

Summary

The passage provides specific conditions under which the U.S. Marshals can be authorized to serve defendants, including when ordered by the court. It also outlines the procedural steps required, such as completing Form No. 285 and verifying service costs. This information is directly relevant to effecting service on defendants located in Texas and Oklahoma when filing in an Oklahoma federal court.

[Federal litigation procedure](#)

Legal Secretary Federal Litigation - James Publishing - Pamela Everett Nollkamper - 2023-05-01

Extract

§223 SERVICE BY U.S. MARSHAL (RULE 4(C)) The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court. When utilizing the services of the U.S. Marshal, be sure to provide the marshal with all pertinent information regarding the defendant. Obtain and complete Form No. 285, "U.S. Marshals Service Process Receipt and Return" to the best of your ability and contact the marshal's office in advance to verify the cost of service, as service costs vary depending on the types of service and number of defendants to be served. The marshal will complete the lower portion of Form No. 285 after service has been accomplished (Fed.R.Civ.P. 4(c)).

Summary

The U.S. Marshal can serve defendants in a federal case if the court orders it. This can happen if the plaintiff requests it and the court deems it necessary. The passage outlines specific circumstances under which the court must order service by the U.S. Marshal, such as when a party is proceeding in forma pauperis or when the United States is involved. The passage also provides procedural details, such as the need to complete Form No. 285 and verify service costs with the marshal's office.

[Federal litigation procedure](#)

Legal Secretary Federal Litigation - 2022 - James Publishing - Pamela Everett Nollkamper - 2022-08-19

Extract

The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court. When utilizing the services of the U.S. Marshal, be sure to provide the marshal with all pertinent information regarding the defendant. Obtain and complete Form No. 285, "U.S. Marshals Service Process Receipt and Return" to the best of your ability and contact the marshal's office in advance to verify the cost of service, as service costs vary depending on the types of service and number of defendants to be served. The marshal will complete the lower portion of Form No. 285 after service has been accomplished (Fed.R.Civ.P. 4(c)).

Summary

The U.S. Marshal can serve defendants in civil actions only upon the court's order at the plaintiff's request. This service is applicable in specific circumstances, such as when a party is proceeding in forma pauperis, on behalf of a seaman, on behalf of the United States or its officers, or upon a court order. The plaintiff must provide all pertinent information about the defendant and complete Form No. 285 for the U.S. Marshals Service. This procedure is applicable for serving defendants located in different states, such as Texas and Oklahoma, when filing in an Oklahoma federal court.

Federal litigation procedure

Legal Secretary Federal Litigation - 2020 - James Publishing - Pamela Everett Nollkamper - 2020-08-09

Extract

§223 SERVICE BY U.S. MARSHAL (RULE 4(C)) The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court. When utilizing the services of the U.S. Marshal, be sure to provide the marshal with all pertinent information regarding the defendant. Obtain and complete Form No. 285, "U.S. Marshals Service Process Receipt and Return" to the best of your ability and contact the marshal's office in advance to verify the cost of service, as service costs vary depending on the types of service and number of defendants to be served. The marshal will complete the lower portion of Form No. 285 after service has been accomplished (Fed.R.Civ.P. 4(c)).

Summary

The U.S. Marshals can serve defendants in federal cases if the court orders it. This can happen in specific circumstances, such as when a party is proceeding in forma pauperis, or upon the court's order. The plaintiff must provide all necessary information and complete the required form (Form No. 285) for the U.S. Marshals to effect service. This procedure applies to defendants located in different states, such as Texas and Oklahoma, as long as the court orders the service.

[Federal litigation procedure](#)

Legal Secretary Federal Litigation - 2019 - James Publishing - Pamela Everett Nollkamper - 2019-08-09

Extract

The U.S. Marshal is not authorized to serve defendants in every civil action. A marshal is authorized to effect service upon the court's order at the plaintiff's request. The court must order service by U.S. Marshal in the following circumstances: 1. On behalf of a party proceeding in forma pauperis; 2. On behalf of a seaman pursuant to Title 8 U.S.C. §1916; 3. On behalf of the United States or one of its officers or agencies; or 4. Upon order of the court.

Summary

The U.S. Marshals can serve defendants if the court orders it. This can happen in specific circumstances such as when a party is proceeding in forma pauperis, on behalf of a seaman, on behalf of the United States or its officers, or upon a court order. This means that for service to be effected on defendants located in Texas and Oklahoma by U.S. Marshals, the plaintiff must request the court to order such service.

[United States v. ABS Staffing Sols., LLC](#)

DOJ Office of the Chief Administrative Hearing Officer Decisions

Extract

includes many of the same methods of service provided for by 28 C.F.R. § 68.3, including 'delivering a copy of... the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process....' Fed. R. Civ. P. 4(h)(B). Service may also be effected by any method identified in Rule 4(e), which allows any method allowed by the state law of the state in which the district court is located or in which service is effected. Fed. R. Civ. P. 4(h)(A), 4(e).

Summary

Service of process on defendants, including corporations, can be effected by delivering a copy of the complaint to an officer, managing or general agent, or any other agent authorized to receive service. Additionally, service can be effected by any method allowed by the state law where the district court is located or where service is effected. This is applicable to cases filed in federal court, such as the one in Oklahoma, and can be used to serve defendants in both Texas and Oklahoma.

[United States v. ABS Staffing Sols., LLC](#)

DOJ Office of the Chief Administrative Hearing Officer Decisions

Extract

includes many of the same methods of service provided for by 28 C.F.R. § 68.3, including 'delivering a copy of... the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process....' Fed. R. Civ. P. 4(h)(B). Service may also be effected by any method identified in Rule 4(e), which allows any method allowed by the state law of the state in which the district court is located or in which service is effected. Fed. R. Civ. P. 4(h)(A), 4(e).

Summary

Service of process can be effected by delivering a copy of the complaint to an officer, managing or general agent, or any other agent authorized to receive service. Additionally, service can be effected by any method allowed by the state law where the district court is located or where service is effected. This means that for defendants located in Texas and Oklahoma, service can be carried out according to the state laws of Oklahoma or Texas, respectively, or by delivering the complaint to an authorized agent.

This memo was compiled by Vincent AI based on vLex materials available as of June 12, 2025. [View full answer on vLex](#)