

RETURNS OF SERVICE

KEY POINTS TO REMEMBER

- All docket entries pertaining to Returns of Service can be found under **Service of Process** on the **CIVIL** docketing menu in ECF. **Do not file Returns of Service using the docket entries “Notice” or “Affidavit.”**
- The correct date of service entered in ECF is **the date the summons was served or delivered**, not the date the affidavit of service was signed or the summons was mailed.
- Be sure to **select the correct defendant/party served** when filing a Return of Service. All applicable entries require the **named defendant** to be selected from the filer list, **not the plaintiff**.
- Returns of Service that fall under the same category of 21, 30 or 60-day summons can all be combined and filed as one docket entry. ECF allows different dates to be entered for each defendant, if applicable, so **separate docket entries for each defendant are not necessary**.
- **Do not** file a Return of Service that has been mailed by certified or registered mail before receiving proof that the summons was served/delivered (via the returned certified/registered mail card or USPS online verification). **Include the signed certified/registered mail card as an exhibit to the Return of Service.**

21-DAY SUMMONS (PRIVATE INDIVIDUAL OR BUSINESS)

For a summons with a 21-day answer deadline (*See FRCvP 12(a)(1)*), use the docket entry:

- **SUMMONS RETURNED AS TO PRIVATE INDIVIDUAL OR BUSINESS**

21-DAY SUMMONS SERVED ON THE DISTRICT OF COLUMBIA OR OTHER DC DEFENDANT(S)

Summons served on the District of Columbia, or an officer or agency thereof (in official capacity only), have 21-day deadlines based upon service on the DC Attorney General, and require two (if DC is the only defendant) or three (if an officer/agency of DC is also named) separate docket entries:

1. For the summons served on the DC Attorney General, use the docket entry:

- **SUMMONS RETURNED EXECUTED AS TO DC ATTORNEY GENERAL**

2. For the summons served on the Mayor of DC, use the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO MAYOR FOR DC**
3. For the summons served on DC defendants (in their official capacity only), one entry can be made and separate dates of service can be entered for all returns of service using the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO DC GOVERNMENT DEFENDANT**

WAIVER OF SERVICE

A waiver of service sets a 60-day answer deadline from **the date the request was sent** for a party within the United States, or a 90-day answer deadline for a party outside any judicial district of the United States. (*See FRCvP 4(d)(3)*). For a Return of Service based on a waiver of service, use the docket entry:

- **WAIVER OF SERVICE**

30-DAY SUMMONS IN A FREEDOM OF INFORMATION ACT (FOIA) CASE

Summons served on a federal defendant(s) in a FOIA case have a 30-day answer deadline (*See 5 U.S.C. 552(a)(4)(C)*) based upon service on the U.S. Attorney, and require three separate docket entries.

1. For the summons served on the U.S. Attorney, use the docket entry:
 - **SUMMONS RETURNED EXECUTED IN FOIA CASE AS TO U.S. ATTORNEY**
2. For the summons served on the U.S. Attorney General, use the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO U.S. ATTORNEY GENERAL**
3. For the summons served on the individual federal defendant(s), one entry can be made and separate dates of service can be entered for all returns of service using the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO FEDERAL DEFENDANT**

60-DAY SUMMONS SERVED ON THE UNITED STATES OF AMERICA OR OTHER FEDERAL DEFENDANT(S)

Summons served on the United States of America, or an officer or agency thereof (in their official capacity only), have 60-day deadlines (*See FRCvP 12 (a)(2)*) based upon service on the U.S. Attorney and require two (if USA is the only defendant) or three (if an officer/agency of the USA is also named) separate docket entries:

1. For the summons served on the U.S. Attorney, use the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO U.S. ATTORNEY**
2. For the summons served on the U.S. Attorney General, use the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO U.S. ATTORNEY GENERAL**
3. For the summons served on federal defendant(s) (in their official capacity only), one entry can be made and separate dates of service can be entered for all returns of service using the docket entry:
 - **SUMMONS RETURNED EXECUTED AS TO FEDERAL DEFENDANT**

60-DAY SUMMONS SERVED ON A FOREIGN STATE OR AGENCY

For a summons served on a foreign state or political subdivision thereof, or an agency or instrumentality of a foreign state with a 60-day answer deadline (*See 28 U.S.C. § 1608(d)*), use the docket entry:

- **SUMMONS RETURNED EXECUTED AS TO FOREIGN STATE OR AGENCY**

WARRANT FOR ARREST IN REM

For warrants for arrest in rem served in a civil forfeiture case (*See Supplemental FRCvP B(3)*), use the docket entry:

- **WARRANT FOR ARREST IN REM RETURNED EXECUTED**

SERVICE BY PUBLICATION

For a Return of Service based on service by publication (*See FRCvP 71.1(d)(3)(B)*), use the docket entry:

- **SERVICE BY PUBLICATION**

SERVICE RE: FISHERY CONSERVATION AND MANAGEMENT

For a Return of Service regarding fishery conservation and management, which sets a 45-day answer deadline (*See U.S.C. 16 § 1855(f)(3)(A)*) based on **the date the summons was served on the U.S.**

Attorney, combine all affidavits together and use the docket entry:

- **SUMMONS/CONSERVATION RETURNED EXECUTED FOR U.S. ATTORNEY**