

§0.114

the line of duty” of U.S. Marshals and Deputy U.S. Marshals may not be delegated below the Assistant Director level.

[Order No. 905-80, 45 FR 52145, Aug. 6, 1980]

§0.114 Fees for services.

(a) The United States Marshals Service shall routinely collect fees according to the following schedule:

(1) For process forwarded for service from one U.S. Marshals Service Office or suboffice to another—\$8 per item forwarded;

(2) For process served by mail—\$8 per item mailed;

(3) For process served or executed personally—\$45 per hour (or portion thereof) for each item served by one U.S. Marshals Service employee, agent, or contractor, plus travel costs and any other out-of-pocket expenses. For each additional U.S. Marshals Service employee, agent, or contractor who is needed to serve process—\$45 per person per hour for each item served, plus travel costs and any other out-of-pocket expenses.

(4) For copies at the request of any party—\$.10 per page;

(5) For preparing notice of sale, bill of sale, or U.S. Marshal deed—\$20 per item;

(6) For keeping and advertisement of property attached— actual expenses incurred in seizing, maintaining, and disposing of property.

(b) Out-of-pocket expenses include, but are not limited to, advertising, inventorying, storage, moving, insurance, guard hire, prisoner transportation and housing, and any other third-party expenditure incurred in executing process.

(c) Travel costs, including mileage, shall be calculated according to 5 U.S.C. chapter 57.

(d) “Item” is defined as all documents issued in one action which are served simultaneously on one person or organization.

(e) “Process” is defined to include, but is not limited to, a summons and complaint, subpoena, writ, orders, and the execution of court-ordered injunctions, and civil commitments on behalf of a requesting party. Process may also include the execution of ancillary court orders (other than subpoenas

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issued on behalf of indigent defendants and arrest warrants) in criminal cases.

(f) The United States Marshals Service shall collect the fees enumerated in paragraph (a) of this section, where applicable, even when process is returned to the court or the party unexecuted, as long as service is endeavored.

(g) Pursuant to 28 U.S.C. 565, the Director of the United States Marshals Service is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements for the service of summonses on complaints, subpoenas, and notices, and for security guards.

(h) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1.5 percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall not be less than \$100.00 and shall not exceed \$50,000. The U.S. Marshal’s commission shall apply to all judicially ordered sales and/or execution sales, including but not limited to all private mortgage foreclosure sales. If the property is not disposed of by Marshal’s sale, the commission shall be set by the court within the range established above.

[56 FR 2437, Jan 23, 1991, as amended by Order No. 2316-2000, 65 FR 47862, Aug. 4, 2000]

Subpart U—Executive Office for Immigration Review

SOURCE: Order 1237-87, 52 FR 44971, Nov. 24, 1987, unless otherwise noted.

§0.115 General functions.

(a) The Executive Office for Immigration Review shall be headed by a Director who shall be assisted by a Deputy Director. The Director shall be responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer in the execution of their duties.