UNITED STATES MARSHALS SERVICE
Southern District of Texas

PROCEDURES IN ADMIRALTY

The United States Marshals Service requirements to fulfill execution for the arrest of a vessel in an admiralty action are as follows:

1. One completed Form USM-285 (Process Receipt and Return). Be sure to include the name and official number of the vessel; a current location of the vessel, including the port, marina and slip as appropriate. If there are any specific instructions, please note them in the section of the USM-285 for that purpose.

2. The original and two certified copies of Warrant of Arrest.

3. Two copies of verified complaint.

4. Two copies of Motion for Order Appointing Substitute Custodian (if applicable).

5. Two certified copies of Order Appointing Substitute Custodian. (It is suggested that the U. S. Marshal review a substitute custodian order insuring that the USM is "held harmless and indemnified from any claims arising from the vessel while in the substitute custodian's custody and care".

A. Procedures for Substitute Custodian in Lieu of Guards:

(1) One completed USM-285 for personal service on the person to be appointed as Substitute Custodian. Must include location of the Substitute Custodian and telephone numbers where the Substitute Custodian can be contacted at any time. Usually home and business numbers are sufficient.

(2) Two certified copies of the signed order for Substitute Custodian.

(3) Copy of the Certificate of Insurance identifying Substitute Custodian's coverage. If Substitute Custodian does not have adequate insurance, the U.S. Marshal will obtain appointed custodian's legal liability insurance at the Plaintiff's expense.

(4) PLEASE NOTE: The Order of Substitute Custodian must be presented to the U.S. Marshal for approval before the U.S. District Court will sign it. The Order must include an Affidavit signed by the person to be appointed as the Custodian. An Affidavit signed by the Attorney is not sufficient and will not be accepted by this Office. Forms and/or format for the Substitute Custodian order are available in the U.S. Marshal's Office.

6. It is requested that, whenever possible, the U.S. Marshal be given prior notification by telephone of any anticipated seizure (24 to 48 hours notification). Manpower limitations and the priority of criminal operations make it vital for this office to be aware of any anticipated seizure.

7. Each admiralty seizure will be accompanied by a check payable to the U.S. Marshal.

A. $10,000.00 deposit for a guard or guard service approved by the U.S. Marshal.

B. $5,000.00 deposit for a substitute custodian, approved by the Court.

8. If the vessel is expected to be under seizure for more than 72 hours, a substitute custodian should be appointed.

9. Vessels will only be seized that are secured to a dock or in tandem with another vessel secured to a dock or berth within the port.

10. Vessels that require movement to another dock or berth after seizure will only be allowed to shift after proper order from the Court specifying the exact location of the shift from point A to point B is tendered to the Marshal with Form USM-285 (Instructions to Marshal). If the vessel is shifted with assistance of tugs and/or under her own power, the United States Marshals Service will require an indemnity agreement to be executed by the parties requiring the shift. This agreement must indemnify and hold harmless the United States Marshal and the United States of America from any third party action that may result from the shifting of the vessel.

11. If advance cost deposits are not received when requested by the Marshal as required by 28 USM 1921, the Marshal will petition the Court through the U.S. Attorney for release of the vessel.

12. It is the responsibilty of the plaintiff to determine the cargo aboard the vessel targeted for an arrest action and provide that information to the USMS prior to receiving the arrest warrant in rem. Hazardous cargo requires additional insurance coverage and a hull inspection as directed by the USMS insurance underwriter and the Department of Justice Admiralty Legal Counsel.