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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Russell Johnson,

No. CV-11-8150-PCT-LOA

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Plaintiff,

ORDER

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vs.

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Michael J. Astrue, Commissioner of Social Security,

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Defendant.

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Based upon the information set forth in Plaintiff’s Motion for Leave to Proceed In Forma Pauperis, declaring under penalty of perjury that the information therein is true, the Court will grant Plaintiff’s Motion.

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Plaintiff’s counsel is informed that her client did not use the correct and current form in seeking IFP status. The approved form, entitled “Application to Proceed in District Court Without Prepaying Fees or Costs” (AO 239), may found on the District Court’s internet web page at www.azd.uscourts.gov and clicking on “Operations & Filing” and clicking on “Forms.” Plaintiff’s counsel is hereby directed to use the correct form in the future.

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Plaintiff’s counsel is also under the mistaken impression that this is a Tucson division case. While Plaintiff’s counsel may reside and work in Tucson, her client resides in Show Low, Navajo County, Arizona. LRCiv 77.1(a) provides that the Prescott Division for the District of Arizona includes Apache, Navajo, Coconino, Mohave, and Yavapai

1 counties. LRCiv 77.1(c) indicates that

2 Unless otherwise ordered by the Court, all civil and criminal cases founded on
3 causes of action (1) arising in the Phoenix Division shall be tried in Phoenix,
4 (2) arising in the Prescott Division shall be tried in Prescott, and (3) arising in
5 the Tucson division shall be tried in Tucson

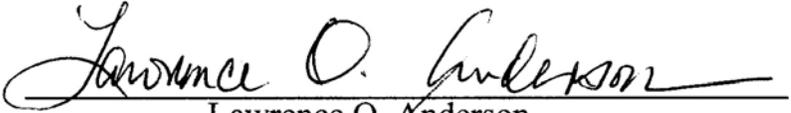
6 LRCiv 77.1(c). Because Plaintiff resides in Navajo County and the Complaint was
7 incorrectly filed in the Tucson division, the Clerk of Court correctly designated this case a
8 Prescott Division case and transferred the case to Phoenix. For all practical purposes, there
9 will be no trial or other court proceeding in Prescott because of the nature of this case.

10 **IT IS ORDERED** that Plaintiff's Motion for Leave to Sue *In Forma*
11 *Pauperis*, doc. 3, is **GRANTED** without prepayment of costs or fees or the necessity of
12 giving security therefore. Service by waiver or of the Summons and Complaint shall be at
13 Government expense on Defendant by the U.S. Marshal or his authorized representative. The
14 Clerk shall forthwith notify the Plaintiff of the entry of this order.

15 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
16 shall hereinafter comply with the Rules of Practice for the United States District Court for
17 the District of Arizona. The District's Rules of Practice may be found on the District Court's
18 internet web page at www.azd.uscourts.gov/.

19 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
20 shall use the above caption, number and initials until further order of the Court.

21 Dated this 23rd day of September, 2011.

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23 Lawrence O. Anderson
24 United States Magistrate Judge
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