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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWARD DEMERSON,

Plaintiff,

v.

JEANNE S. WOODFORD, et al.,

Defendants.

CASE NO. 1:08-cv-00144-LJO-SMS PC

ORDER GRANTING PLAINTIFF’S MOTION
FOR LEAVE TO PROCEED IN FORMA
PAUPERIS

(Doc. 72)

ORDER DENYING MOTIONS TO COMPEL
LITIGATION COORDINATOR TO EXECUTE
WAIVERS OF SERVICE

(Docs. 69-71)

_____ /

Plaintiff Edward Demerson, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 29, 2008. Pursuant to the Court’s order filed June 22, 2010, Plaintiff was required to effect service of process on Defendants Phillips, Campos, Amaro, Clausing, Bardonnex, Munoz, Cartagina, Gregory, and Hillard within one-hundred twenty days. On October 25 and 26, 2010, Plaintiff filed three motions relating to service of his second amended complaint. All three motions concern the request for the issuance of an order compelling the Litigation Coordinator at the California Substance Abuse Treatment Facility (CSATF) to accept or waive service on the behalf of Defendants. Plaintiff asserts that Defendants are being evasive, and he will file a motion for entry of default if they fail to respond. On November 15, 2010, Plaintiff filed a motion seeking leave to proceed in forma pauperis with service of the summonses and second amended complaint by the United States Marshal.

1 The Litigation Coordinator has no obligation to accept or waive service for Defendants, and
2 Plaintiff's motions are without merit. In light of Plaintiff's motion to proceed in forma pauperis,
3 however, the issue of Plaintiff's inability to complete service is now moot, lack of merit to his
4 motions notwithstanding.

5 Good cause having been shown, it is HEREBY ORDERED that:

- 6 1. Plaintiff's motion for leave to proceed in forma pauperis, filed November 15, 2010,
7 is GRANTED;¹ and
- 8 2. Plaintiff's motions to compel the Litigation Coordinator to accept or waive service
9 on Defendants' behalf are DENIED.

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11 IT IS SO ORDERED.

12 **Dated:** November 19, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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¹ The filing fee was paid in full on March 18, 2008. Therefore, collection of the filing fee from Plaintiff's trust account by the California Department of Corrections and Rehabilitation is not necessary.