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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM YOUNG SUTHERLAND,

CASE NO. 1:09-cv-02028-OWW-SMS PC

Plaintiff,

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR SERVICE BY UNITED
STATES MARSHAL

v.

J. CLARK KELSO, et al.,

(Doc. 7)

Defendants.

Plaintiff William Young Sutherland, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 19, 2009. On June 10, 2010, Plaintiff filed a motion seeking personal service of his complaint by the United States Marshal.

Because Plaintiff is proceeding in forma pauperis, he is entitled to have process served on his behalf by the Marshal. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). However, as set forth in the Court's First Informational Order, the Marshal will be directed to initiate service of process only after Plaintiff's complaint has been screened and found to state cognizable claims for relief. 28 U.S.C. § 1915A; Doc. 3, First Informational Order, ¶12. Due to the heavy caseload, Plaintiff's complaint is still awaiting screening. The Court is aware of the pendency of this case and will screen Plaintiff's complaint in due course.

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1 Accordingly, Plaintiff's motion for service by the Marshal is GRANTED, but to the extent
2 Plaintiff is seeking immediate personal service, the motion is DENIED.

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4 IT IS SO ORDERED.

5 **Dated:** November 19, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE