

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KAJAUNA KENYATTA IRVIN,

Plaintiff,

v.

JAMES A YATES, et al.,

Defendants.

) Case No.: 1:10-cv-01940-AWI-SAB (PC)

)
) ORDER GRANTING PLAINTIFF'S MOTION TO
) EXTEND TIME TO COMPLETE SERVICE OF
) PROCESS AND DIRECTING CLERK OF COURT
) TO SEND PLAINTIFF AN APPLICATION TO
) PROCEED IN FORMA PAUPERIS

) [ECF Nos. 57, 59]

Plaintiff Kajauna Kenyatta Irvin is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). The case was removed from state court on October 14, 2010.

Now pending before the Court is Plaintiff's motions for an extension of time to complete service of process upon certain Defendants and request to proceed in forma pauperis, filed separately on November 17, 2014. (ECF Nos. 57, 59.)

On October 23, 2014, the Court determined this action shall proceed on Plaintiff's Plaintiff's First Amendment claim against Defendants Cate, Giurbino, Sobee, McGee, Allen, Bennett, Huckabay, Myers, McBride, Laniz, Yates, Trimble, Fisher, Brazelton, Nash, Shimmin, Davis, Walker, and Does 1-25, a cognizable claim under RLUIPA against Defendants McGee, Allen, Bennett, Huckabay, Myers, McBride, Laniz, Cate, Yates, Trimble, Fisher, Brazelton, Nash, Shimmin, Davis, Walker, Farkas, Guthery, and Does 1-25, and a cognizable equal protection claim against Defendant McGee. (ECF No. 54.) All other claims and defendants were dismissed from the action. (Id.)

1 Defendants Yates, Allen, Bennett, Brazelton, Lantz, McBride, McGee, Myers, and Nash have
2 made an appearance in the action, and are presently represented by Deputy Attorney General, James
3 D. Mathison. As to the other Defendants, the Court provided instructions on service of process by
4 Plaintiff (who is not proceeding in forma pauperis) as to the Defendants who have not yet made an
5 appearance in this action.

6 Plaintiff presently contends that he is indigent and unable to effective service of process on
7 Defendants in accordance with the Court October 28, 2014, order, and requests service by the United
8 States Marshal.¹ Plaintiff further states that on October 31, 2014, he was placed in the administrative
9 segregation unit and is presently without his legal property. The Court will grant Plaintiff an
10 extension of time to complete service of process, and based on his claim that he is indigent will direct
11 the Clerk of Court to send Plaintiff an application to proceed in forma pauperis for completion and
12 return for determination as to whether Plaintiff is entitled by way of proceeding in forma pauperis
13 service by the United States Marshal.

14 Based on the foregoing,

15 IT IS HEREBY ORDERED that:

- 16 1. Plaintiff is granted **thirty (30)** additional days from the date of service of this order to
17 complete service of process;
- 18 2. The Clerk of Court is directed to send Plaintiff a copy of the application to proceed in
19 forma pauperis by a prisoner; and
- 20 3. Within **thirty (30)** days from the date of service of this order, Plaintiff shall complete
21 and return the application to proceed in forma pauperis.

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23 IT IS SO ORDERED.

24 Dated: **November 19, 2014**


UNITED STATES MAGISTRATE JUDGE

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28 ¹ To the extent Plaintiff is confused as to whether this action is proceeding on the third or fourth amended complaint, he is
advised that the action is proceeding on the fourth amended complaint, filed March 27, 2014. (ECF No. 50.)