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

KAJAUNA KENYATTA IRVIN,)	Case No.: 1:10-cv-01940-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER GRANTING PLAINTIFF IN FORMA
v.)	PAUPERIS STATUS AND FORWARDING
)	PLAINTIFF THE NECESSARY SERVICE OF
JAMES A YATES, et al.,)	PROCESS FORMS FOR COMPLETION AND
)	RETURN TO THE COURT WITHIN THIRTY
Defendants.)	DAYS
)	
)	[ECF No. 63]

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.

**I.
DISCUSSION**

On October 23, 2014, the Court determined this action shall proceed on 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. Defendants C. Sobee, J. Giurbino, A. Walker, M.C. Davis, A. Shimmin, R.H. Trimble,
4 Mathew L. Cate, D. Huckabay, R. Fisher, Bonnie Farkas, and Ernest Guthery have not been served.
5 By order dated October 28, 2014, the Court provided instructions on service of process by Plaintiff
6 (who is not proceeding in forma pauperis) as to these Defendants. (ECF No. 56.)

7 On December 29, 2014, Plaintiff filed an application to proceed in forma pauperis and requests
8 service by the United States Marshal. Based on a review of Plaintiff's application to proceed in forma
9 pauperis and because Plaintiff does not have the funds and resources to serve Defendants Defendants
10 C. Sobee, J. Giurbino, A. Walker, M.C. Davis, A. Shimmin, R.H. Trimble, Mathew L. Cate, D.
11 Huckabay, R. Fisher, Bonnie Farkas, and Ernest Guthery, the Court will grant Plaintiff's request to
12 proceed in forma pauperis for purposes of serving the un-served Defendants and direct service by the
13 United States Marshal. See Fed R. Civ. P. 4(c).

14 II.

15 ORDER

16 Based on the foregoing, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's motion to proceed in forma pauperis for purposes of service by the United
18 States Marshal is GRANTED;
- 19 2. The Clerk of the Court shall send Plaintiff eleven (11) USM-285 forms, eleven (11)
20 summonses, a Notice of Submission of Documents form, an instruction sheet and a
21 copy of the Fourth Amended Complaint filed March 27, 2014;
- 22 6. Within thirty (30) days from the date of this order, Plaintiff shall complete the attached
23 Notice of Submission of Documents and submit the completed Notice to the Court with
24 the following documents:
 - 25 a. One completed summons for each un-served Defendant;
 - 26 b. One completed USM-285 form for each un-served Defendant;
 - 27 c. Twelve (12) copies of the endorsed Fourth Amended Complaint filed March 27,
28 2014; and

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7. Plaintiff need not attempt service on the defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve Defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

Dated: January 8, 2015


UNITED STATES MAGISTRATE JUDGE