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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESPERANZA REYES-SAUCEDO,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,
Defendant.

CASE NO. 1:13-cv-545-AWI-BAM

**ORDER DIRECTING ISSUANCE OF
SUMMONS AND NEW CASE
DOCUMENTS**

**ORDER SETTING SCHEDULING
CONFERENCE**

Date: October 23, 2014
Time: 8:30 a.m.
Dept.: 8 (BAM)
Magistrate Judge Barbara A. McAuliffe

Plaintiff Esperanza Reyes-Saucedo (“Plaintiff”) proceeds in forma pauperis in this civil forfeiture action. On February 3, 2014, Plaintiff, through the assistance of counsel, filed her First Amended Complaint in this Court. (Doc. 10). The Court has screened the complaint pursuant to 28 U.S.C. § 1915A, and finds that it states a cognizable claim against Defendant for relief under the Civil Asset Forfeiture Reform Act codified in part at 18 U.S.C. §§ 981 & 983. Accordingly, the Court finds that issuance of the summons and service of the complaint is appropriate. While service of Plaintiff’s complaint is now proper, Plaintiff, represented by counsel, bears the responsibility to serve the summons and first amended complaint on Defendant. Plaintiff shall effectuate service of the summons and the first amended complaint on or before July 24, 2014 in compliance with F.R.Civ.P. 4(i), which sets forth the requirements to serve federal agencies with a summons and complaint. Plaintiff is forewarned that the failure to timely serve the summons and complaint may result in dismissal of this action pursuant to Federal Rule of Civil Procedure 4(m).

Based on the forgoing, the Court HEREBY:

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1. DIRECTS the Clerk of the Court to issue and send Plaintiff a summons for Defendant the United States Department of Justice;
2. ORDERS Plaintiff, no later than July 24, 2014, to complete service of the summons and complaint on Defendant in compliance with F.R.Civ.P. 4(i);
3. DIRECTS the Clerk of the Court to issue new case documents for this case;
4. DIRECTS the Clerk of the Court to SET an Initial Scheduling Conference for **October 23, 2014 at 8:30 a.m. in Courtroom 8** before Judge Barbara A. McAuliffe. A JOINT Scheduling Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in full compliance with the requirements set forth in the Order Setting Mandatory Scheduling Conference, one (1) full week prior to the Scheduling Conference, and a copy shall be e-mailed, in Word format, to bamorders@caed.uscourts.gov. The parties may appear by telephone by arranging a one-line conference call and telephoning the Court at (559) 499-5789;
5. ADMONISHES Plaintiff that this Court will recommend to dismiss this action if Plaintiff fails to comply with this order and to timely serve the summons and complaint on Defendant in compliance with F.R.Civ.P. 4(i). See F.R.Civ.P. 4(m).

IT IS SO ORDERED.

Dated: June 23, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE