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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8

9 HARLEY McNEIL,

10 Plaintiff,

11 v.

12 CAROLYN W. COLVIN, Commissioner of
13 Social Security,

14 Defendant.

Case No. 1:15-cv-01442- SMS

ORDER SCREENING FIRST AMENDED
COMPLAINT

(Doc. 5)

15
16 Plaintiff Harley McNeil, proceeding *pro se*, sought review of a decision of the
17 Commissioner of Social Security denying his application for disability insurance benefits under the
18 Social Security Act (42 U.S.C. § 301 *et seq.*). On November 18, 2015, the Court dismissed
19 Plaintiff’s complaint for failure to state a claim. Plaintiff was granted leave to file an amended
20 complaint to remedy the deficiencies. Doc. 4. Plaintiff has since filed an amended complaint
21 (“First Amended Complaint”). Doc. 5.
22

23 Having screened the First Amended Complaint under 28 U.S.C. § 1915(a),¹ the Court finds
24 Plaintiff has set forth a cognizable claim. Service of the complaint upon the Commissioner is now
25 appropriate.
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¹ Under 28 U.S.C. § 1915(e)(2), the Court must conduct an initial review of the complaint to
28 determine whether it “is frivolous or malicious,” “fails to state a claim on which relief may be
granted,” or “seeks monetary relief against a defendant who is immune from such relief.”

1 Accordingly,

2 (1) The Clerk of the Court is directed to issue the summons and new case documents, send
3 Plaintiff a copy of this order, a USM285 form, an instruction sheet, and the First Amended
4 Complaint.

5 (2) Within 30 days from the date of this order, Plaintiff shall complete the following
6 requirements for service of the First Amended Complaint:

7 (a) properly complete and sign the attached Notice of Submission of Documents
8 form;

9 (b) properly complete the summons form;

10 (c) properly complete a USM-285 form;

11 (b) submit five (5) copies of the First Amended Complaint; and

12 (e) provide the completed forms and copies of the complaint to the Clerk of Court.

13 (3) Plaintiff need not attempt service on Defendants and need not request waiver of service.

14 Upon receipt of all the documents listed above in section (2), the Court will issue an order
15 directing the Clerk to forward the completed forms to the United States Marshal to serve the
16 named Defendants under Rule 4 of the Federal Rule of Civil Procedure, without payment of
17 costs.
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19 (4) Plaintiff's failure to comply with this order within 30 days may result in dismissal of the
20 action.
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24 IT IS SO ORDERED.

25 Dated: May 9, 2016

/s/ Sandra M. Snyder
26 UNITED STATES MAGISTRATE JUDGE
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