

1 not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S.
2 25, 32-33 (1992). Thus, the Court has reviewed the allegations of the Complaint, and finds the
3 allegations presented are not futile. Accordingly, the Court **ORDERS**:

- 4 1. Plaintiff’s motion to proceed *in forma pauperis* is **GRANTED**;
- 5 2. The Clerk of Court is **DIRECTED** to issue summons as to the defendants, Kern County
6 Superintendent of Schools;
- 7 3. The Clerk of Court is **DIRECTED** to serve Plaintiff with New Civil Case Documents,
8 USM-285 Forms, a Notice of Submission of Documents form, an instruction sheet, and
9 a copy of the Complaint;
- 10 4. Within thirty days from the date of this order, Plaintiff **SHALL** complete the attached
11 Notice of Submission of Documents and submit the completed Notice to the Court with
12 the following documents:
 - 13 a. A completed USM-285 form; and
 - 14 b. Four copies of the complaint filed on April 17, 2017.
- 15 5. Plaintiff need not attempt service on the defendants and need not request waiver of
16 service. Upon receipt of the above-described documents, the Court will direct the
17 United States Marshal to serve the defendants pursuant to Federal Rule of Civil
18 Procedure 4 without payment of costs.

19
20 IT IS SO ORDERED.

21 Dated: April 19, 2017

/s/ Jennifer L. Thurston
22 UNITED STATES MAGISTRATE JUDGE