

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARCO A. GARCIA.

Case No. 1:17-cv-01313-BAM (PC)

Plaintiff.

ORDER REGARDING LETTER FROM  
PLAINTIFF RE: SERVICE OF PROCESS  
(ECF No. 6)

RUBEN GARCIA, et al.,

**ORDER REGARDING LETTER FROM  
PLAINTIFF RE: PAYMENT OF FILING FEE  
(ECF No. 7)**

Defects

**ORDER DIRECTING CLERK OF COURT TO  
RE-SERVE OCTOBER 4, 2017 ORDER ON  
SHERIFF OF KINGS COUNTY JAIL**

Plaintiff Marco A. Garcia (“Plaintiff”) is a county jail inmate appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 5.)

On October 4, 2017, the Court granted Plaintiff's motion to proceed in forma pauperis and directed the Sheriff of Kings County Jail to collect payments from Plaintiff's prison trust account and forward payments to the Clerk of the Court. (ECF No. 4.)

On November 6, 2017, with his consent to magistrate judge jurisdiction, Plaintiff also filed two letters to the Court with various inquiries. (ECF Nos. 6, 7.) Plaintiff first requests information regarding the completion of service of process, how he can obtain a copy of the local rules of this court, and whether it is necessary to submit a proof of service form with

1 correspondence to the Court. (ECF No. 6.) Plaintiff's second letter further requests assistance  
2 regarding deduction of the filing fee from his prison trust account, and again requests assistance  
3 with service of process and obtaining a copy of the local rules. (ECF No. 7.)

4 Pursuant to Federal Rule of Civil Procedure 4(c)(3), where a plaintiff authorized to  
5 proceed in forma pauperis under 28 U.S.C. § 1915, the Court must order that service be made by  
6 a United States marshal or deputy marshal or by a person specially appointed by the court. Fed.  
7 R. Civ. P. 4(c)(3). As Plaintiff has been granted leave to proceed in forma pauperis, Plaintiff  
8 need not attempt service on the defendants and need not request waiver of service. Plaintiff is  
9 advised that the Court is required to screen complaints brought by prisoners seeking relief against  
10 a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).  
11 The Court will direct service of process only after Plaintiff's complaint has been screened and  
12 found to state cognizable claims for relief. Once the complaint is screened and found to have  
13 stated a cognizable claim against any defendant, a copy of the complaint will be sent to Plaintiff  
14 with service documents.

15 With respect to proofs of service, Plaintiff is directed to the Court's first informational  
16 order in prisoner/civil detainee civil rights case, dated October 3, 2017. (ECF No. 3.) That order  
17 states that "on all documents filed with the Court, the pro se plaintiff must attach a Proof of  
18 Service, indicating the date on which the filing was turned over to prison authorities." (*Id.*, p. 4.)  
19 Further, "[a] document submitted without proof of service may be stricken/returned or if filed  
20 after the deadline, deemed not timely filed." (*Id.*) The proof of service form need not be identical  
21 to the sample attached to the Court's first informational order.

22 Plaintiff next states that the County Jail has not authorized collection of payments from  
23 his prison trust account, and he has been informed that the jail has not received the Court's  
24 October 4, 2017 order granting Plaintiff's motion to proceed in forma pauperis. The Court will  
25 re-serve the order on the Sheriff of the Kings County Jail. However, Plaintiff is advised that as he  
26 has already been granted leave to proceed in forma pauperis, this status will not be revoked  
27 simply because the County Jail has not yet initiated collection of the filing fee.

28 ///

Finally, with respect to Plaintiff's request for a copy of the Local Rules, Plaintiff is advised that the Court generally does not send litigants free copies of rules or case law, and any deviation from that standard practice represents an exception which must be justified. Copies of the Court's Local Rules should be available to Plaintiff from the law library at his institution.

5 Plaintiff is referred to the first informational order, which was served on Plaintiff, and will  
6 answer the majority of Plaintiff's questions. Plaintiff is cautioned that the Court does not have  
7 the resources to respond to individualized inquiries, and has done so in this instance only, but will  
8 not do so in the future. Further, a document requesting a court order must be styled as a motion.  
9 Letters to the Court or a judge may be stricken/returned. Fed. R. Civ. P. 7.

10 Accordingly, the Clerk of the Court is HEREBY DIRECTED to serve a copy of the  
11 Court's October 4, 2017 order granting Plaintiff's motion to proceed in forma pauperis (ECF No.  
12 4) and a copy of Plaintiff's in forma pauperis application on the Sheriff of the Kings County Jail  
13 at, Attn: Inmate Trust Account, 1570 Kings County Drive Hanford, California 93230; and at P.O.  
14 Box 1699 Hanford, CA 93230.

IT IS SO ORDERED.

17 || Dated: November 15, 2017

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE