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1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE EASTERN DISTRICT OF CALIFORNIA JOANNA O. EASTERLY, 8 9 Plaintiff, No. CIV S-08-3038 FCD GGH PS 10 VS. 11 DEPARTMENT OF THE ARMY, et al., **ORDER** 12 13 Defendants. 14 Plaintiff is proceeding in this action pro se. Plaintiff has requested authority 15 16 pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this 17 court by Local Rule 72-302(c)(21). Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is 18 19 unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in 20 forma pauperis will be granted. 28 U.S.C. § 1915(a). 21 Determining plaintiff may proceed in forma pauperis does not complete the 22

Determining plaintiff may proceed in forma pauperis does not complete the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines the allegation of poverty is untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant. Presently before the court is a complaint, filed December 15, 2008. The court cannot make this determination on the present record. Therefore, the court reserves

directed to serve within ninety days of the date of this order, all process pursuant to Fe P. 4, including a copy of this court's status order, without prepayment of costs.  3. The Clerk of the Court shall send plaintiff three USM-285 forms, or summons, a copy of the complaint, an appropriate form for consent to trial by a magist and this court's status order.  4. Plaintiff is directed to supply the U.S. Marshal, within 15 days from this order is filed, all information needed by the Marshal to effect service of process.  anticipates that, to effect service, the U.S. Marshal will require at least:  a. One completed usmmons;  b. One completed USM-285 form for each defendant;  c. A copy of the endorsed filed complaint for each defendant, we extra copy for the U.S. Marshal; and  d. A copy of this court's status order for each defendant.  5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate service on any defendant within 90 days from the date of this order, the Marshal, sol "r" Street, sacramento, Ca., 95814, Tel. No. (916) 930-2030.  DATED: April 8, 2009  /s/ Gregory G. Hollows  GREGORY G. HOLLOWS, UNITED STATES MAGISTRAT		
1. Plaintiff's application to proceed in forma pauperis is granted. 2. The Clerk of the Court is directed to issue forthwith, and the U.S. M directed to serve within ninety days of the date of this order, all process pursuant to Fe P. 4, including a copy of this court's status order, without prepayment of costs. 3. The Clerk of the Court shall send plaintiff three USM-285 forms, or summons, a copy of the complaint, an appropriate form for consent to trial by a magist and this court's status order. 4. Plaintiff is directed to supply the U.S. Marshal, within 15 days from this order is filed, all information needed by the Marshal to effect service of process. In anticipates that, to effect service, the U.S. Marshal will require at least:  a. One completed summons; b. One completed USM-285 form for each defendant; c. A copy of the endorsed filed complaint for each defendant, we extra copy for the U.S. Marshal; and d. A copy of this court's status order for each defendant. 5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate service on any defendant within 90 days from the date of this order, the Marshal, 501 "T" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.  DATED: April 8, 2009  /s/ Gregory G. Hollows  GREGORY G. HOLLOWS,	1	decision on these issues until the record is sufficiently developed.
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24 GREGORY G. HOLLOWS, UNITED STATES MAGISTRAT	23	
GGH:076/Easterly3038.srv.wpd UNITED STATES MAGISTRAT	24	/s/ Gregory G. Hollows
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