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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOANNA O. EASTERLY,

Plaintiff,

No. CIV S-08-3038 FCD GGH PS

vs.

DEPARTMENT OF THE ARMY, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 72-302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

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

1 decision on these issues until the record is sufficiently developed.

2 Good cause appearing, IT IS ORDERED that:

3 1. Plaintiff's application to proceed in forma pauperis is granted.

4 2. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is  
5 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.  
6 P. 4, including a copy of this court's status order, without prepayment of costs.

7 3. The Clerk of the Court shall send plaintiff three USM-285 forms, one  
8 summons, a copy of the complaint, an appropriate form for consent to trial by a magistrate judge,  
9 and this court's status order.

10 4. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date  
11 this order is filed, all information needed by the Marshal to effect service of process. The court  
12 anticipates that, to effect service, the U.S. Marshal will require at least:

13 a. One completed summons;

14 b. One completed USM-285 form for each defendant;

15 c. A copy of the endorsed filed complaint for each defendant, with an  
16 extra copy for the U.S. Marshal; and

17 d. A copy of this court's status order for each defendant.

18 5. In the event the U.S. Marshal is unable, for any reason whatsoever, to  
19 effectuate service on any defendant within 90 days from the date of this order, the Marshal is  
20 directed to report that fact, and the reasons for it, to the undersigned.

21 6. The Clerk of the Court is directed to serve a copy of this order on the U.S.  
22 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

23 DATED: April 8, 2009

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES,  
26 UNITED STATES MAGISTRATE JUDGE

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