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

KATHLYN A. RHODES,

Plaintiff,

No. CIV S-09-0489 MCE GGH PS

vs.

PLACER COUNTY, et al.,

Defendants.

ORDER

_____/

Plaintiff is proceeding with this action in pro se and in forma pauperis. By order filed April 30, 2009, the court determined that plaintiff had stated a colorable claim against defendants Placer County, Bonner, Seipert, Hamilton, City of Rocklin, Platina, Davis, Jantz, Collins, Siemens, Urrutia, California Forensic Medical Group, Inc., Fithian, American Medical Response, Sacramento County Mental Health Treatment Center, Kittrell, Jackson, Fakhiri, and Patino. The court also dismissed plaintiff's claims against defendants E. Hustedt, D. Hustedt, Choice Hotels International, Yao, and Cooper with thirty days leave to amend. On May 20, 2009, plaintiff filed an amended complaint.

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 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. Although the court has some doubt on the matter, the court cannot make this determination on the present record. Therefore, the court reserves decision on these issues until

1 the record is sufficiently developed.

2 The amended complaint states a colorable claim against defendants Placer
3 County, Bonner, Seipert, Hamilton, City of Rocklin, Platina, Davis, Jantz, Collins, Siemens,
4 Urrutia, California Forensic Medical Group, Inc., Fithian, American Medical Response,
5 Sacramento County Mental Health Treatment Center, Kittrell, Jackson, Fakhiri, Patino, E.
6 Hustedt, D. Hustedt, Choice Hotels International, Yao, and Cooper.

7 Good cause appearing, IT IS ORDERED that:

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

11 2. The Clerk of the Court shall send plaintiff one USM-285 form for each
12 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
13 magistrate judge, and this court's status order.

14 3. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date
15 this order is filed, all information needed by the Marshal to effect service of process, and *shall*
16 *file a statement with the court that said documents have been submitted to the United States*
17 *Marshal*. The court anticipates that, to effect service, the U.S. Marshal will require at least:

- 18 a. One completed summons for each defendant;
- 19 b. One completed USM-285 form for each defendant;
- 20 c. One copy of the endorsed filed complaint for each defendant, with an
21 extra copy for the U.S. Marshal;
- 22 d. One copy of this court's status order for each defendant; and
- 23 e. One copy of the instant order for each defendant.

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

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6. The Clerk of the Court is directed to serve a copy of this order on the U.S.

Marshal, 501 "T" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

DATED: September 15, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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