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

JERRY W. ARMSTRONG,

No. CIV S-09-2912-LKK-CMK

Plaintiff,

vs.

ORDER

GERALD C. BENITO,

Defendant.

_____ /

Plaintiff, proceeding in pro per, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for leave to proceed in forma pauperis (Doc. 3). Plaintiff's complaint, and service thereof by the United States Marshal if appropriate, will be addressed separately. The Clerk of the Court shall not issue summons or set this matter for an initial scheduling conference unless specifically directed by the court to do so.

Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security therefor.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 3) is granted.

DATED: February 25, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE