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

IGOR CHEPEL; ROOF VERA CHEPEL,
as guardian ad litem for minors, ERICK
CHEPEL, JASON CHEPEL, and
ASHLEY CHEPEL,

Plaintiffs,

No. 2:09-cv-03548 JAM KJN PS

v.

ORDER

THE LAW OFFICE OF FREDERICK
S. COHEN; FREDERICK S. COHEN,
individually; MARY ROSS;
DR. LARRY NICHOLAS; and DOES 1
through 20,

Defendants.

_____ /

Plaintiffs, who are proceeding without counsel and in forma pauperis, filed their complaint on December 23, 2009. (Dkt. No. 1.) The undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e) and determined that service of the complaint on all defendants would be appropriate once the United States District Judge assigned to this matter acted on certain proposed findings and recommendations. (See Dkt. No. 4.) In an order entered April 28, 2010, United States District Judge John A. Mendez adopted the undersigned’s proposed findings and recommendations and dismissed plaintiffs’ fifth claim for relief, which alleged a claim of

1 defamation, with prejudice. (See Dkt. Nos. 4, 6.) Judge Mendez subsequently adopted the
2 undersigned's additional proposed findings and recommendations and dismissed from this action
3 without prejudice plaintiffs Erick Chepel, Jason Chepel, Ashley Chepel, and Roof Vera Chepel.
4 (See Dkt. Nos. 5, 7.) In accordance with Judge Mendez's adoption of the proposed findings and
5 recommendations, the undersigned will order service of the complaint, as modified.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Service of plaintiff's complaint is appropriate as to the following
8 defendants: The Law Offices of Frederick S. Cohen; Frederick S. Cohen, an individual; Mary
9 Ross; and Dr. Larry Nicholas.

10 2. The Clerk of the Court is directed to issue forthwith all process pursuant to
11 Federal Rule of Civil Procedure 4.

12 3. The Clerk of Court shall send plaintiff four USM-285 forms, one
13 summons, an endorsed copy of plaintiff's complaint filed December 23, 2009 (Dkt. No. 1), this
14 court's scheduling order, and the forms providing notice of the magistrate judge's availability to
15 exercise jurisdiction for all purposes.

16 4. Plaintiff is advised that to effectuate service, the U.S. Marshal will require:

- 17 a. One completed summons;
18 b. One completed USM-285 form for each defendant to be served;
19 c. A copy of the complaint for each defendant to be served, with an
20 extra copy for the U.S. Marshal; and
21 d. A copy of this court's scheduling order and related documents for
22 each defendant to be served; and

23 5. Plaintiff shall supply the United States Marshal, within 30 days from the
24 date this order is filed, all information needed by the Marshal to effectuate service of process, and
25 *shall, within 10 days thereafter, file a statement with the court that such documents have been*
26 *submitted to the United States Marshal.*


1 6. The U.S. Marshal shall serve process, with copies of this court's
2 scheduling order and related documents, within 90 days of receipt of the required information
3 from plaintiff, without prepayment of costs. *The United States Marshal shall, within 10 days*
4 *thereafter, file a statement with the court that such documents have been served.* If the U.S.
5 Marshal is unable, for any reason, to effect service of process on any defendant, the Marshal shall
6 promptly report that fact, and the reasons for it, to the undersigned.

7 7. The Clerk of Court shall serve a copy of this order on the United States
8 Marshal, 501 "I" Street, Sacramento, CA 95814 (tel. 916-930-2030).

9 8. Plaintiff's failure to comply with this order may result in a
10 recommendation that this action be dismissed.

11 IT IS SO ORDERED.

12 DATED: May 21, 2010

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE
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