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

ROBERT E. STEPHENSON,

Plaintiff,

No. CIV S-10-238 GGH P

vs.

M. MARTEL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has paid the filing fee.

The complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

For service of the complaint, plaintiff may attempt service himself, which may be difficult because he is incarcerated. In the alternative, plaintiff may file an application to proceed in forma pauperis. If this request is granted, the court will deem the filing fee paid and order the U.S. Marshal to serve defendants with process.

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Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days of the date of this order, plaintiff shall either file an in forma pauperis affidavit or a short declaration stating his intention to serve the complaint himself; following receipt of either the application or declaration, the court will issue further orders;

2. The Clerk of the Court is directed to send plaintiff an application to proceed in forma pauperis for a prisoner.

DATED: March 2, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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