1

| 2  |  |
|----|--|
| 3  |  |
| 4  |  |
| 5  |  |
| 6  |  |
| 7  |  |
| 8  | IN THE UNITED STATES DISTRICT COURT  |
| 9  | FOR THE EASTERN DISTRICT OF CALIFORNIA   |
| 10 |  |
| 11 | PATRICK T. MULVANY, No. CIV S-10-0745-CMK  |
| 12 | Plaintiff,   |
| 13 | vs. <u>ORDER</u>   |
| 14 | COMMISSIONER OF SOCIAL<br>SECURITY,  |
| 15 | Defendant.   |
| 16 |  |
| 17 | /  |
| 18 | Plaintiff, who is proceeding with retained counsel, brings this action for judicial                |
| 19 | review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).        |
| 20 | Plaintiff has requested authority under 28 U.S.C. § 1915 to proceed in forma pauperis (Doc. 2).    |
| 21 | Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to    |
| 22 | prepay fees and costs or give security therefor. The request to proceed in forma pauperis will,    |
| 23 | therefore, be granted. See 28 U.S.C. § 1915(a). Plaintiff will be required by this order to submit |
| 24 | documents to the United States Marshal and file notice with the court. Plaintiff is warned that    |
| 25 | failure to comply with this order may result in the dismissal of this action. See Local Rule 110.  |
| 26 | ///  |
|    | 1  |

| 1  | Accordingly, IT IS HEREBY ORDERED that:  |
|----|--|
| 2  | 1. Plaintiff's request to proceed in forma pauperis (Doc. 2) is granted;                           |
| 3  | 2. The Clerk of the Court is directed to serve on plaintiff the undersigned's                      |
| 4  | scheduling order in social security cases;   |
| 5  | 3. The Clerk of the Court is further directed to serve a copy of this order on                     |
| 6  | the United States Marshal;   |
| 7  | 4. Within 15 days from the date of this order, plaintiff shall submit to the                       |
| 8  | United States Marshal a completed summons and copies of the complaint and file a statement         |
| 9  | with the court that said documents have been submitted to the United States Marshal;               |
| 10 | 5. The United States Marshal is directed to serve all process without                              |
| 11 | prepayment of costs not later than 60 days from the date of this order, such service of process to |
| 12 | be completed by delivering a copy of the summons and complaint to the United States Attorney       |
| 13 | for the Eastern District of California, and by sending a copy of the summons and complaint by      |
| 14 | registered or certified mail to the Attorney General of the United States in Washington, D.C.,     |
| 15 | pursuant to Federal Rule of Civil Procedure 4(i)(1)(A) & (B); and                                  |
| 16 | 6. The United States Marshal shall also send a copy of the summons and                             |
| 17 | complaint by registered or certified mail to the Commissioner of Social Security, c/o Office of    |
| 18 | General Counsel, 6401 Security Blvd., Room 611, Altmeyer Bldg., Baltimore, MD 21235,               |
| 19 | pursuant to Federal Rule of Civil Procedure 4(i)(2).   |
| 20 |  |
| 21 | DATED: March 30, 2010  |
| 22 | Lorig M. Kellison  |
| 23 | <b>CRAIG M. KELLISON</b><br>UNITED STATES MAGISTRATE JUDGE   |
| 24 |  |
| 25 |  |
| 26 |  |
|    | 2  |
|    |  |