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

JOHN HENRY HART,

Plaintiff,

No. CIV S-10-1672 FCD EFB PS

vs.

PAE GOVERNMENT SERVICES
INCORPORATED,

ORDER

Defendant.

_____/

This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule 302(c)(21). Plaintiff seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff's declaration makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). Accordingly, the request to proceed *in forma pauperis* will be granted. 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss a case filed pursuant to the *in forma pauperis* statute if, at any time, it determines that the allegation of poverty is untrue, or if 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. The court cannot make this determination on the present record. Therefore, the court reserves decision on these issues until the record is sufficiently developed.

1 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

2 1. Plaintiff's request to proceed *in forma pauperis* is granted.

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

5 3. The Clerk of Court shall send plaintiff two USM-285 forms, one summons, a copy of
6 the complaint, this court's scheduling order, and the forms providing notice of the magistrate
7 judge's availability to exercise jurisdiction for all purposes and the court's voluntary dispute
8 resolution program.

9 4. Plaintiff is advised that the U.S. Marshal will require:

10 a. One completed summons;

11 b. One completed USM-285 form for each defendant;

12 c. A copy of the complaint for each defendant, with an extra copy for the U.S.
13 Marshal; and,

14 d. A copy of this court's scheduling order and related documents for each
15 defendant.

16 5. Plaintiff shall supply the United States Marshal, within 14 days from the date this
17 order is filed, all information needed by the Marshal to effect service of process, and *shall,*
18 *within 14 days thereafter, file a statement with the court that said documents have been*
19 *submitted to the United States Marshal.*

20 6. The U.S. Marshal shall serve process, with copies of this court's scheduling order and
21 related documents, within 90 days of receipt of the required information from plaintiff, without
22 prepayment of costs. *The United States Marshal shall, within 14 days thereafter, file a statement*
23 *with the court that said documents have been served.* If the U.S. Marshal is unable, for any
24 reason, to effect service of process on any defendant, the Marshal shall promptly report that fact,
25 and the reasons for it, to the undersigned.

26 ///

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

3 DATED: August 30, 2010.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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