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

SARA BATTERHAM,

Plaintiff,

No. CIV S-11-1118 GEB EFB PS

vs.

MONO COUNTY LAW ENFORCEMENT;
MONO COUNTY DISTRICT ATTORNEYS
OFFICE; TOWN OF MAMMOTH LAKES;
KYLE FLETCHER GRAHAM; GEORGE
BOOTH; WADE MCCAMMOND; FRANK
SMITH; DOUG HORNBECK; JEREMY
IBRIHIM; and DOES I through X,

Defendants.

ORDER

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 requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and has submitted the affidavit required thereunder which demonstrates that plaintiff is unable to prepay fees and costs or give security thereof. 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

1 untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be
2 granted, or seeks monetary relief against an immune defendant. The court cannot make this
3 determination on the present record. Therefore, the court reserves decision on these issues until
4 the record is sufficiently developed.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's request to proceed *in forma pauperis*, Dckt. No. 2, is granted.

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

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

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

14 a. One completed summons;

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

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

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

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

24 6. The U.S. Marshal shall serve process, with copies of this court's scheduling order and
25 related documents, within 90 days of receipt of the required information from plaintiff, without
26 prepayment of costs. *The United States Marshal shall, within 14 days thereafter, file a statement*

1 *with the court that said documents have been served.* If the U.S. Marshal is unable, for any
2 reason, to effect service of process on any defendant, the Marshal shall promptly report that fact,
3 and the reasons for it, to the undersigned.

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

6 8. Failure to comply with this order may result in a recommendation that this action be
7 dismissed.

8 DATED: July 27, 2011.

9 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE