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

PETER REXIUS,

Plaintiff,

No. CIV 2:11-cv-1356-JAM-JFM (PS)

vs.

CITY OF CITRUS HEIGHTS, *et al.*,

Defendants.

ORDER

_____ /

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 72-302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The complaint states a cognizable claim for relief. If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's request to proceed in forma pauperis is granted;
2. The Clerk of the Court shall send plaintiff six (6) USM-285 forms, one summons, an instruction sheet and a copy of the complaint filed May 19, 2011.
3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the United States Marshal with the following documents:

- 1 a. One completed summons;
2 b. One completed USM-285 form for each defendant named in the
3 complaint; and
4 c. Seven (7) copies of the endorsed complaint filed May 19, 2011.

5 4. Delivery to the United States Marshal shall be either by personal delivery or by
6 mail to: United States Marshals Service, 501 I Street, Suite 5600, Sacramento, CA 95814 (tel.
7 916-930-2030).

8 5. Within ten (10) days after submitting the required materials to the United
9 States Marshals Service, plaintiff shall file with this court a declaration stating the date on which
10 he submitted the required documents to the United States Marshal. Failure to file the declaration
11 in a timely manner may result in an order imposing appropriate sanctions.

12 6. Plaintiff need not attempt service on defendants and need not request waiver of
13 service. Upon receipt of plaintiff's declaration, the court will direct the United States Marshal to
14 serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without
15 prepayment of costs.

16 7. The Clerk of the Court is directed to serve a copy of this order on the United
17 States Marshal.

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

20 DATED: June 24, 2011.

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23 UNITED STATES MAGISTRATE JUDGE

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

PETER REXIUS,

Plaintiff,

No. CIV 2:11-cv-1356-JAM-JFM (PS)

vs.

CITY OF CITRUS HEIGHTS, *et al.*,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

- _____ completed summons form
- _____ completed USM-285 forms
- _____ copies of the complaint

DATED:

Plaintiff