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

GEORGIA CELENTANO,
Plaintiff,

vs.

CIV S-11-1881 KJM CKD PS

SACRAMENTO REGIONAL TRANSIT
DISTRICT, et al.,
Defendants.

ORDER

_____ /

This proceeding was referred to the undersigned by E.D. Cal. L.R. 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

On August 26, 2011, the court found that plaintiff had made an inadequate showing of indigency in her in forma pauperis affidavit, and granted plaintiff twenty days to submit the appropriate filing fee. When plaintiff failed to do so, the court issued findings and recommendations on September 28, 2011, recommending that this action be dismissed without prejudice. Subsequently, plaintiff filed objections to the findings and recommendations which addressed her financial condition in greater detail. Based upon the additional information provided, the court concludes that plaintiff has made a sufficient showing of indigency as

1 required by 28 U.S.C. § 1915(a)(1). Accordingly, the findings and recommendations issued
2 September 28, 2011 will be vacated and the request to proceed in forma pauperis will be granted.

3 The determination that plaintiff may proceed in forma pauperis does not complete
4 the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case
5 at any time if it determines the allegation of poverty is untrue, or the action is frivolous or
6 malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against
7 an immune defendant. The court cannot make this determination on the present record.
8 Therefore, the court reserves decision on these issues until the record is sufficiently developed.

9 Good cause appearing, IT IS ORDERED that:

10 1. The findings and recommendations issued September 28, 2011 (dkt. no. 5) are
11 vacated.

12 2. Plaintiff's request to proceed in forma pauperis (dkt. no. 2) is granted.

13 3. The Clerk of the Court is directed to issue the undersigned's order setting
14 status conference.

15 4. The United States Marshal is directed to serve within ninety days of the date of
16 this order, all process pursuant to Fed. R. Civ. P. 4, including a copy of this court's order setting
17 status conference, without prepayment of costs.

18 5. The Clerk of the Court shall send plaintiff one USM-285 form for each
19 defendant, one summons, a copy of the complaint, and this court's order setting status
20 conference.

21 6. Plaintiff is directed to provide to the United States Marshal, within fourteen
22 days from the date this order is filed, all information needed by the Marshal to effect service of
23 process, and *shall file a statement with the court that said documents have been submitted to the*
24 *United States Marshal.* The court anticipates that, to effect service, the U.S. Marshal will require
25 at least:

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- a. One completed summons for each defendant;
- b. One completed USM-285 form for each defendant;
- c. One copy of the endorsed filed complaint for each defendant, with an extra copy for the U.S. Marshal;
- d. One copy of this court’s status order for each defendant; and
- e. One copy of the instant order for each defendant.

7. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate service on any defendant within 90 days from the date of this order, the Marshal is directed to report that fact, and the reasons for it, to the undersigned.

8. The Clerk of the Court is directed to serve a copy of this order on the United States Marshal, 501 “I” Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

Dated: October 24, 2011


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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