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

CD ALSTON

Plaintiff,

No. CIV S-11-2078 JAM GGH PS

vs.

PAUL TASSONE, et al.

Defendants.

ORDER

_____ /

This proceeding was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff is proceeding in this action pro se and in forma pauperis. Plaintiff seeks damages for alleged violations of her constitutional rights under 42 U.S.C. § 1983 as well as a variety of state law causes of action.

By order filed October 31, 2011, the court determined that, for the limited purposes of screening, plaintiff had stated a colorable claim against defendants Tassone, Smith, Sacramento County Sheriff Department, and the County of Sacramento, but had failed to state a colorable claim against defendants Zwolinski, Jones, Morgan, and Sacramento County Sheriff Department Bureau of Professional Standards. (Dkt. No. 8.) The court granted plaintiff 28 days to file an amended complaint curing the deficiencies outlined in that order. (Id.)

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1 On November 28, 2011, plaintiff filed a first amended complaint. (Dkt. No. 11.)
2 Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss a case filed pursuant to the in
3 forma pauperis statute if, at any time, it determines that the allegation of poverty is untrue, or the
4 action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks
5 monetary relief against an immune defendant. The court cannot make this determination on the
6 present record. Therefore, the court reserves decision on these issues until the record is
7 sufficiently developed.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Service is appropriate for defendants Tassone, Smith, Jones, Morgan,
10 Zwolinski, Sacramento County Sheriff Department¹, and the County of Sacramento.

11 2. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
12 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.
13 P. 4, including a copy of this court's status order, without prepayment of costs.

14 3. The Clerk of the Court shall send plaintiff one USM-285 form for each
15 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
16 magistrate judge, and this court's status order.

17 4. Plaintiff is directed to supply the U.S. Marshal, within 14 days from the date
18 this order is filed, all information needed by the Marshal to effect service of process, and *shall*
19 *file a statement with the court that said documents have been submitted to the United States*
20 *Marshal*. The court anticipates that, to effect service, the U.S. Marshal will require at least:

- 21 a. One completed summons for each defendant;
- 22 b. One completed USM-285 form for each defendant;
- 23 c. One copy of the endorsed filed complaint for each defendant, with an
24 extra copy for the U.S. Marshal;

25 ¹ The Sacramento County Sheriff Department Bureau of Professional Standards is simply
26 a sub-department within the Sheriff's Department.

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- d. One copy of this court’s status order for each defendant; and
- e. One copy of the instant order for each defendant.

5. 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.

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

DATED: December 5, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH/wvr
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