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

CD ALSTON,

Plaintiff,

No. CIV S-11-2079 JAM EFB PS

vs.

CITY OF SACRAMENTO; SACRAMENTO
CITY POLICE DEPARTMENT; RICK
BRAZIEL; OFFICER PETERSON;
SECURITY GUARD SCOTT; OFFICER
J. MEIGR; OFFICER STEWART;
SUPERVISING SERGEANT ON SITE; and
DOES 1 to 10;

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 Additionally, plaintiff has filed a motion to receive service of process of all court
6 documents through e-mail. Dckt. No. 4. Plaintiff contends that she “has been displaced” and
7 therefore “does not have an address in which to receive any service of process.” *Id.* at 2. She
8 also contend that she no longer has possession of the post office box that is currently listed for
9 service of process. *Id.* In light of plaintiff’s representations, her request that she receive service
10 of process of all court documents through e-mail will be granted.

11 Accordingly, IT IS HEREBY ORDERED that:

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

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

15 3. Plaintiff’s request to receive service of process of all court documents through e-mail,
16 Dckt. No. 4, is granted.

17 4. The Clerk of Court shall serve this order and all future court filings on plaintiff via
18 email at liberty.justice.iv.all@gmail.com.

19 5. The Clerk of Court shall make the following documents available for plaintiff to pick
20 up at the court’s intake counter: ten USM-285 forms, one summons, a copy of the complaint, this
21 court’s scheduling order, and the forms providing notice of the magistrate judge’s availability to
22 exercise jurisdiction for all purposes and the court’s voluntary dispute resolution program.

23 Plaintiff shall pick up those documents within seven days from the date this order is filed.

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1 6. Plaintiff is advised that the U.S. Marshal will require:

2 a. One completed summons;

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

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

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

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

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

18 9. The Clerk of Court shall serve a copy of this order on the United States Marshal, 501
19 "T" Street, Sacramento, CA 95814 (tel. 916-930-2030).

20 10. Failure to comply with this order may result in a recommendation that this action be
21 dismissed.

22 DATED: October 5, 2011.

23 
24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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