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

DAVID MYERS,

Plaintiff,

vs.

No. CIV S-11-2347 JAM CKD PS

HUNT & HERIQUES, et al.,

Defendants.

ORDER

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Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted an affidavit making the showing required by 28 U.S.C. § 1915(a)(1). Accordingly, the request to proceed in forma pauperis will be granted.

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

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

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

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

8 4. The Clerk of the Court shall send plaintiff one USM-285 form for each  
9 defendant, one summons, a copy of the complaint, and this court's order setting status  
10 conference.

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

16 a. One completed summons for each defendant;

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

18 c. One copy of the endorsed filed complaint for each defendant, with an  
19 extra copy for the U.S. Marshal;

20 d. One copy of this court's status order for each defendant; and

21 e. One copy of the instant order for each defendant.

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

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7. 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: September 8, 2011

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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