

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JACKIE OSBORNE,

Plaintiff,

No. CIV 2:12-cv-2510-GEB-AC (PS)

vs.

NATIONAL TRUCK FUNDING,
LLC, *et al.*,

Defendants.

ORDER

_____/

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 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.

Good cause appearing, IT IS ORDERED that:

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

1 2. Service is appropriate for the following defendants: National Truck Funding,
2 LLC, and American Truck Group, LLC.

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

6 4 The Clerk of the Court shall send plaintiff one USM-285 form for each
7 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
8 magistrate judge, and this court's status order.

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

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

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

22 7. The Clerk of the Court is directed to serve a copy of this order on the U.S.
23 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

24 //

25 //

26 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DATED: November 26, 2012

/s/
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

/mb;osbo2510.ifp.srv