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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE EASTERN DISTRICT OF CALIFORNIA

9   ELINA ANN ATKINS,

10   Plaintiff,   No. CIV 2:12-cv-2549-MCE-AC (PS)

11   vs.

12   CALIFORNIA HIGHWAY PATROL,
     et al.,
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              Defendants.   ORDER
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     _____/
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             Plaintiff is proceeding in this action pro se. Plaintiff seeks relief pursuant to and
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     has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This
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     proceeding was referred to this court by Local Rule 302(c)(21).
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             Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is
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     unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in
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     forma pauperis will be granted. 28 U.S.C. § 1915(a).
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             The determination that plaintiff may proceed in forma pauperis does not complete
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     the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case
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     at any time if it determines the allegation of poverty is untrue, or the action is frivolous or
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     malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against
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     an immune defendant. The court cannot make this determination on the present record.
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     Therefore, the court reserves decision on these issues until the record is sufficiently developed.

In accordance with the above, IT IS HEREBY ORDERED that:

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

2. Service is appropriate for the following defendants: California Highway Patrol, Loren L. Milburn, and T. Martin.

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

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

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

   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.

6. 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.

7. 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.

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1   8. Failure to comply with this order may result in a recommendation that this

2 action be dismissed.

3 DATED: November 21, 2012

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5   _____/s/_____
                                                     ALLISON CLAIRE
6   UNITED STATES MAGISTRATE JUDGE

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   /mb;atki2549.ifp.srv
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