

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

JOHN J. MARTINEZ,

Plaintiff,

No. 2:12-cv-02789 KJN

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

16 Plaintiff has requested leave to proceed without the prepayment of fees and costs,
17 also referred to as in forma pauperis, pursuant to 28 U.S.C. § 1915.¹ Plaintiff has submitted the
18 required affidavit, which demonstrates that plaintiff is unable to prepay fees and costs or give
19 security for them. (Dkt. No. 2.) Accordingly, the request to proceed in forma pauperis is
20 granted. See 28 U.S.C. § 1915(a).

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. Plaintiff's request to proceed in forma pauperis (Dkt. No. 2) is granted.

2. The Clerk of the Court is directed to serve the undersigned's scheduling
1 Security cases

¹ This case was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(15) and 28 U.S.C. § 636(c).

1 3. The Clerk of the Court is further directed to serve a copy of this order on
2 the United States Marshal.

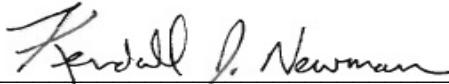
3 4. Within fourteen days from the date of this order, plaintiff shall submit to
4 the United States Marshal an original and five copies of the completed summons, five copies of
5 the complaint, five copies of the scheduling order and a completed USM-285 form, *and shall file*
6 *a statement with the court that such documents have been submitted to the United States*
7 *Marshal.*

8 5. The United States Marshal is directed to serve all process without
9 prepayment of costs not later than sixty days from the date of this order. Service of process shall
10 be completed by delivering a copy of the summons, complaint, and scheduling order to the
11 United States Attorney for the Eastern District of California, and by sending two copies of the
12 summons, complaint, and scheduling order by registered or certified mail to the Attorney General
13 of the United States at Washington, D.C. See Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal
14 shall also send a copy of the summons, complaint, and scheduling order by registered or certified
15 mail to the Commissioner of Social Security, c/o Office of the General Counsel, Region IX, 160
16 Spear Street, Suite 800, San Francisco, CA 94105-1545. See Fed. R. Civ. P. 4(i)(2); 20 C.F.R.
17 423.1(a). *The United States Marshal shall thereafter file a statement with the court that such*
18 *documents have been served.*

19 6. Plaintiff and plaintiff's counsel are advised of Local Rule 110, which
20 provides: "Failure of counsel or of a party to comply with [the court's Local] Rules or with any
21 order of the Court may be grounds for imposition by the Court of any and all sanctions
22 authorized by statute or Rule or within the inherent power of the Court."

23 IT IS SO ORDERED.

24 DATED: January 30, 2013

25 
26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE