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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRETT ANDERSON, MICHELLE
ANDERSON, P.J. ANDERSON, a minor,

Plaintiffs,

v.

KRISTEN PARSKE, et al.,

Defendants.

No. 2:13-cv-208-TLN-EFB PS

ORDER

This case, in which plaintiffs are 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). Plaintiffs have requested authority under 28 U.S.C. § 1915 to proceed *in forma pauperis*, and have submitted the affidavit required thereunder which demonstrates that plaintiffs are unable to prepay fees and costs or give security for them. ECF No. 2. Accordingly, the request to proceed *in forma pauperis* is 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 untrue, or if 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 Accordingly, it is hereby ORDERED that:

2 1. Plaintiffs' request to proceed *in forma pauperis*, ECF No. 2, is granted.

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

5 3. The Clerk of Court shall send plaintiffs one USM-285 form for each defendant listed in
6 the second amended complaint, one summons, a copy of the second amended complaint, this
7 court's scheduling order, and the forms providing notice of the magistrate judge's availability to
8 exercise jurisdiction for all purposes.

9 4. Plaintiff is advised that the U.S. Marshal will require:

10 a. One completed summons;

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

12 c. A copy of the second amended complaint for each defendant, with an extra
13 copy for the U.S. Marshal; and,

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

16 5. Plaintiff shall supply the United States Marshal, within 14 days from the date this order
17 is filed, all information needed by the Marshal to effect service of process, and shall, within 14
18 days thereafter, file a statement with the court that said documents have been submitted to the
19 United States Marshal.

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


26 7. The Clerk of Court shall serve a copy of this order on the United States Marshal, 501
27 "I" Street, Sacramento, CA 95814 (tel. 916-930-2030).

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

DATED: November 7, 2014.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE