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

RAM HERAM,

Plaintiff,

No. 2:13-cv-780-TLN-EFB PS

vs.

UNITED STATES GOVERNMENT,

ORDER

Defendant.

_____/

This case, in which plaintiff is 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). Plaintiff requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and has submitted the affidavit required thereunder which demonstrates that plaintiff is unable to prepay fees and costs or give security thereof. Dckt. 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. The Clerk of the Court is directed to issue forthwith all process pursuant to Federal
3 Rule of Civil Procedure 4.

4 2. The Clerk of Court shall send plaintiff one USM-285 form, one summons, a copy of
5 the complaint, this court's scheduling order, and the forms providing notice of the magistrate
6 judge's availability to exercise jurisdiction for all purposes and the court's voluntary dispute
7 resolution program.

8 3. Plaintiff is advised that the U.S. Marshal will require:

9 a. One completed summons;

10 b. One completed USM-285 form for defendant;

11 c. A copy of the complaint for defendant, with an extra copy for the U.S.

12 Marshal; and,

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

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

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

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

26 ///

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

3 DATED: May 15, 2013.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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