

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER T. HARRELL,
Plaintiff,
v.
MARCI BUTTRAM, ET AL.,
Defendants.

No. 2:14-cv-0582 KJM AC PS

ORDER

Plaintiff is proceeding in this action in pro per and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This matter is before the undersigned pursuant to Local Rule 302(c)(21).

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 determination that plaintiff may proceed in forma pauperis does not complete the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines the allegation of poverty is untrue, or 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 Good cause appearing, IT IS ORDERED that:

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

3 2. Service is appropriate for the following defendants: Marci Buttram, John Crossland,
4 and Clyde Billot.

5 3. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed
6 to serve within ninety days of the date of this order, all process pursuant to Federal Rule of Civil
7 Procedure 4, including a copy of this court's status order, without prepayment of costs.

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

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

14 The court anticipates that, to effect service, the U.S. Marshal will require at least:

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

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

24 7. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,
25 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

26 ///

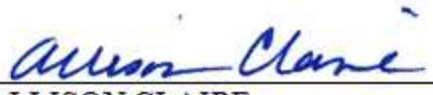
27 ///

28 ///

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
27
28

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

DATED: April 15, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE