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| 8 | UNITED STATES DISTRICT COURT | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
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| 11 | MAURICE R. NASH, | No. 2:14-cv-850-MCE-EFB PS |
| 12 | Plaintiff, | |
| 13 | V. | <u>ORDER</u> |
| 14 | WACHOVIA BANK, WELL'S FARGO BANK, EQUIFAX INFORMATION | |
| 15 | SYSTEM LLC., and DOES 1-20, inclusive, | |
| 16 | Defendants. | |
| 17 | | |
| 18 | | |
| 19 | This case, in which plaintiff is proceeding in propria persona and in forma pauperis, | |
| 20 | proceeds on plaintiff's first amended complaint. ECF No. 5. Pursuant to 28 U.S.C. § 1915(e)(2), | |
| 21 | the court is directed to dismiss a case filed pursuant to the <i>in forma pauperis</i> statute if, at any | |
| 22 | time, it determines that the allegation of poverty is untrue, or if the action is frivolous or | |
| 23 | malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against | |
| 24 | an immune defendant. The court cannot make this determination on the present record. | |
| 25 | Therefore, the court reserves decision on these issues until the record is sufficiently developed. | |
| 26 | Accordingly, it is hereby ORDERED that: | |
| 27 | 1. The Clerk of the Court is directed to issue forthwith all process pursuant to Federal | |
| 28 | Rule of Civil Procedure 4. | |
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| 1 | 2. The Clerk of Court shall send plaintiff one USM-285 form, one summons, a copy of | |
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| 2 | the complaint, this court's scheduling order, and the forms providing notice of the magistrate | |
| 3 | judge's availability to exercise jurisdiction for all purposes. | |
| 4 | 3. Plaintiff is advised that the U.S. Marshal will require: | |
| 5 | a. One completed summons; | |
| 6 | b. One completed USM-285 form for each defendant; | |
| 7 | c. A copy of the complaint for each defendant, with an extra copy for the U.S. | |
| 8 | Marshal; and, | |
| 9 | d. A copy of this court's scheduling order and related documents for each | |
| 10 | defendant. | |
| 11 | 4. Plaintiff shall supply the United States Marshal, within 14 days from the date this order | |
| 12 | is filed, all information needed by the Marshal to effect service of process, and <i>shall, within 14</i> | |
| 13 | days thereafter, file a statement with the court that said documents have been submitted to the | |
| 14 | United States Marshal. | |
| 15 | 5. The U.S. Marshal shall serve process, with copies of this court's scheduling order and | |
| 16 | related documents, within 90 days of receipt of the required information from plaintiff, without | |
| 17 | prepayment of costs. The United States Marshal shall, within 14 days thereafter, file a statement | |
| 18 | with the court that said documents have been served. If the U.S. Marshal is unable, for any | |
| 19 | reason, to effect service of process on any defendant, the Marshal shall promptly report that fact, | |
| 20 | and the reasons for it, to the undersigned. | |
| 21 | 6. The Clerk of Court shall serve a copy of this order on the United States Marshal, 501 | |
| 22 | "I" Street, Sacramento, CA 95814 (tel. 916-930-2030). | |
| 23 | 7. Failure to comply with this order may result in a recommendation that this action be | |
| 24 | dismissed. | |
| 25 | DATED: January 6, 2016. | |
| 26 | EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE | |
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