

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
9

10 DONNELLE McCLAIN,

No. 2:14-cv-1467-TLN-EFB PS

11 Plaintiff,

12 v.

ORDER

13 MICHAEL PIROTTO, COUNTY OF  
14 SACRAMENTO, DOES 1-10,

15 Defendants.  
16

17 This case, in which plaintiff is proceeding *in propria persona*, was referred to the  
18 undersigned pursuant to 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule  
19 302(c)(21). Plaintiff has requested authority under 28 U.S.C. § 1915 to proceed *in forma*  
20 *pauperis*, and has submitted the affidavit required thereunder which demonstrates that plaintiff is  
21 unable to prepay fees and costs or give security for them. ECF No. 2. Accordingly, the request to  
22 proceed *in forma pauperis* is granted. 28 U.S.C. § 1915(a).

23 Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss a case filed pursuant to  
24 the *in forma pauperis* statute if, at any time, it determines that the allegation of poverty is untrue,  
25 or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or  
26 seeks monetary relief against an immune defendant. The court cannot make this determination on  
27 the present record. Therefore, the court reserves decision on these issues until the record is  
28 sufficiently developed.

1 Accordingly, it is hereby ORDERED that:

2 1. Plaintiff's 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 plaintiff one USM-285 form, one summons, a copy of  
6 the complaint, this court's scheduling order, and the forms providing notice of the magistrate  
7 judge's availability to exercise jurisdiction for all purposes.

8 4. 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. Marshal;

12 and,

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

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

18 6. 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 7. 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 /////

27 /////

28 /////

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

3 DATED: December 17, 2014.



EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE