

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

V. SONNY SONIA.

No. 2:14-cv-2975-JAM-KJN PS

Plaintiff,

ORDER

CALIFORNIA HIGHWAY PATROL, et al.,

Defendants.

Plaintiff V. Sonny Sonia, who proceeds in this action without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)¹ Plaintiff's application in support of her request to proceed in forma pauperis makes the showing required by 28 U.S.C. § 1915(a)(1). Accordingly, the undersigned grants plaintiff's request to proceed in forma pauperis.

The determination that a 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 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.

¹ This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 Based on the limited record before the court, the court cannot conclude that plaintiff's
2 action is frivolous, that the complaint fails to state claims on which relief can be granted, or that
3 plaintiff seeks monetary relief from an immune defendant. The undersigned reserves decision as
4 to plaintiff's claims until the record is sufficiently developed, and this order does not preclude
5 defendants from challenging plaintiff's complaint through a timely motion pursuant to Federal
6 Rule of Civil Procedure 12 or other appropriate method of challenging plaintiff's pleading.
7 Accordingly, the undersigned orders service of the complaint on defendants.

8 For the foregoing reasons, IT IS HEREBY ORDERED that:

9 1. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is granted.
10 2. Service of plaintiff's complaint is appropriate for defendants California Highway
11 Patrol, Joseph Farrow, and Officer N. Osborn #15609.
12 3. The Clerk of the Court is directed to issue forthwith all process pursuant to Federal
13 Rule of Civil Procedure 4.

14 4. The Clerk of Court shall send plaintiff one USM-285 form, one summons, this
15 court's scheduling order, and the forms providing notice of the magistrate judge's availability to
16 exercise jurisdiction for all purposes.

17 5. Plaintiff is advised that to effectuate service, the U.S. Marshal will require:

18 a. One completed summons;
19 b. One completed USM-285 form for each defendant to be served;
20 c. A copy of the complaint for each defendant to be served, with an extra
21 copy for the U.S. Marshal; and
22 d. A copy of this court's scheduling order and related documents for each
23 defendant to be served.

24 6. Plaintiff shall supply the U.S. Marshal, within 30 days from the date this order is
25 filed, with all information needed by the Marshal to effectuate service of process, and shall,
26 within 10 days thereafter, file a statement with the court that such documents have been submitted
27 to the U.S. Marshal.

28 ////

1 7. The U.S. Marshal shall serve process, with copies of this court's scheduling order
2 and related documents, within 90 days of receipt of the required information from plaintiff,
3 without prepayment of costs. The U.S. Marshal shall, within 10 days thereafter, file a statement
4 with the court that such documents have been served. If the U.S. Marshal is unable, for any
5 reason, to effectuate service of process on any defendant, the Marshal shall promptly report that
6 fact, and the reasons for it, to the court.

7 8. If a defendant waives service, the defendant is required to return the signed waiver
8 to the U.S. Marshal. The filing of an answer or a responsive motion does not relieve a defendant
9 of this requirement, and the failure to return the signed waiver may subject a defendant to an
10 order to pay the costs of service by the U.S. Marshal.

11 9. The Clerk of Court shall serve a copy of this order on the U.S. Marshal.

12 10. Plaintiff's failure to comply with this order, the Federal Rules of Civil Procedure,
13 and the court's Local Rules² may result in any appropriate sanctions, including monetary
14 sanctions and/or a recommendation that this action be dismissed pursuant to Federal Rule of Civil
15 Procedure 41(b).

16 IT IS SO ORDERED.

17 Dated: April 9, 2015

18 
19 _____
20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

22
23
24
25
26
27 ² A copy of the court's Local Rules may be obtained from the Clerk's Office or on the court's
28 website at <http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.