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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE DEJESUS RODRIGUEZ,
Plaintiff,
v.
SAN JOAQUIN COUNTY HUMAN
SERVICES,¹
Defendant.

No. 2:15-cv-0158 TLN GGH PS

ORDER

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1).

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,

¹ Although plaintiff names only doe defendants in the caption, he has named the San Joaquin County Human Services Agency as the defendant in paragraph 3 of the complaint. Plaintiff is advised that doe pleading in the federal courts is not favored as a general rule. Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980). Therefore, the doe defendants shall not be served until identified. Plaintiff is cautioned that he does not have unlimited time in which to identify doe defendants in an amended pleading.

1 fails to state a claim on which relief may be granted, or seeks monetary relief against an immune
2 defendant. The court cannot make this determination on the present record. Therefore, the court
3 reserves decision on these issues until the record is sufficiently developed. On the present record,
4 plaintiff has stated a colorable claim for relief against defendant San Joaquin County Human
5 Services Agency.

6 Plaintiff has filed a request that the court inform the “Law Library Supervisor at a
7 Stockton California Facility” that the court will be directing her to provide assistance to plaintiff,
8 including copies and facsimiles, faxing privileges, envelopes, and stamps. He also requests that
9 the court send him self-addressed and metered envelopes, or stamps.

10 Plaintiff is informed that the court has no authority to grant his request. If he encounters a
11 delay or denial of access to a law library, he may bring the matter to the court’s attention at that
12 time. Should he need an extension of time in which to comply with a court order, he shall file a
13 request for extension with the court in advance of the deadline if he is unable to obtain a
14 stipulation from the opposing party. See E.D. Cal. L. R. 144.

15 Good cause appearing, IT IS ORDERED that:

- 16 1. Plaintiff’s request for leave to proceed in forma pauperis is granted.
- 17 2. Service is appropriate for the following defendant: San Joaquin County Human
18 Services Agency.
- 19 3. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
20 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.
21 P. 4, including a copy of this court’s status order, without prepayment of costs.
- 22 4. The Clerk of the Court shall send plaintiff one USM-285 form for each
23 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
24 magistrate judge, and this court’s status order.
- 25 5. Plaintiff is directed to supply the U.S. Marshal, within 14 days from the date
26 this order is filed, all information needed by the Marshal to effect service of process, and *shall file*
27 *a statement with the court that said documents have been submitted to the United States Marshal.*
28 The court anticipates that, to effect service, the U.S. Marshal will require at least:

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

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

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

Dated: February 20, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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