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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE DEJESUS RODRIGUEZ,
Plaintiff,
v.
VERONICA VEGA,
Defendant.

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

ORDER

Plaintiff is proceeding in this action pro se and 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). Pending before the court is plaintiff’s amended complaint, filed March 4, 2015. (ECF No. 8).

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.

The court had previously ordered service of the original complaint which had made allegations similar to those stated in the amended complaint, but which had sought relief against

1 San Joaquin County Human Services Agency (“Agency”). (ECF No. 4.) The amended complaint
2 now names Veronica Vega, an alleged employee of the Agency, as the sole defendant, and has
3 eliminated the Agency as a defendant. The amended complaint otherwise makes the same
4 claims. On the present record, plaintiff has stated a colorable claim for relief against defendant
5 Vega. This action will no longer proceed against defendant San Joaquin County Human Services
6 Agency.

7 Good cause appearing, IT IS ORDERED that:

8 1. Service is appropriate for the following defendant: Veronica Vega.

9 2. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
10 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.
11 P. 4, including a copy of this court’s status order, without prepayment of costs.

12 3. The Clerk of the Court shall send plaintiff one USM-285 form for each
13 defendant, one summons, a copy of the amended complaint, an appropriate form for consent to
14 trial by a magistrate judge, and this court’s status order.

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

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

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

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

28 6. The Clerk of the Court is directed to serve a copy of this order on the U.S.

1 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

2 Dated: March 9, 2015

3 /s/ Gregory G. Hollows

4 UNITED STATES MAGISTRATE JUDGE

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