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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA N. HARRELL,

Plaintiff,

v.

WAL-MART, et al.,

Defendants.

No. 2:15-cv-0576 JAM AC (PS)

Order

Plaintiff is proceeding in this action pro se. The action was accordingly referred to this court for pretrial proceedings by E.D. Cal. R. (“Local Rule”) 302(c)(21).<sup>1</sup> On June 23, 2016, the district judge presiding over this case authorized plaintiff, who is also proceeding in forma pauperis, to proceed with his first amended complaint against defendant Michelle Belyea. ECF No. 24.

Plaintiff has diligently attempted to get the materials needed for service of process to be re-sent to him. See ECF Nos. 26, 27, 28, 30, 31. The materials were originally sent to him on or about May 5, 2015, when the undersigned screened the original complaint. See ECF No. 8. Plaintiff explains that he has been transferred three times to three different facilities, and no

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<sup>1</sup> Although plaintiff indicates that he is in custody, this matter is proceeding under the authority of Local Rule 302(c)(21), rather than Local Rule 302(c)(17), because plaintiff does not seek habeas relief, nor does he challenge the conditions of his confinement.

1 longer has possession of the documents. See ECF No. 30. Regretfully, plaintiff's requests have  
2 somehow escaped the court's notice until now.

3 For good cause shown, IT IS HEREBY ORDERED that:

- 4 1. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed  
5 to serve within ninety days of the date of this order, all process pursuant to Federal  
6 Rule of Civil Procedure 4, without prepayment of costs.
- 7 2. The Clerk of the Court shall send plaintiff one USM-285 form for defendant Belyea,  
8 one summons, a copy of the first amended complaint (ECF No. 15), an instruction  
9 sheet, and an appropriate form for consent to trial by a magistrate judge.
- 10 3. Within thirty days after service of this order, plaintiff shall complete the attached  
11 Notice of Submission of Documents and submit the following documents to the court:
  - 12 a. The completed Notice of Submission of Documents (attached);
  - 13 b. One completed summons;
  - 14 c. One completed USM-285 form for defendant Johnson;
  - 15 d. One copy of this order; and
  - 16 e. Two copies of the first amended complaint (ECF No. 15).
- 17 4. Plaintiff need not attempt service on defendant and need not request waiver of service.  
18 Upon receipt of the above-described documents, the court will direct the United States  
19 Marshal to serve the above-named defendant pursuant to Federal Rule of Civil  
20 Procedure 4 without payment of costs.

21 DATED: January 27, 2017

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23 ALLISON CLAIRE  
24 UNITED STATES MAGISTRATE JUDGE  
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NOTICE OF SUBMISSION OF  
DOCUMENTS

Plaintiff submits the following documents in compliance with the court's order filed

- \_\_\_\_\_:
- \_\_\_\_\_ completed summons forms
  - \_\_\_\_\_ completed USM-285 forms
  - \_\_\_\_\_ copies of the complaint
  - \_\_\_\_\_ consent forms
  - \_\_\_\_\_ copy of service order

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff