1 Stanley Goff, Bar No. 289564 Law Offices of Stanley Goff 2 15 Boardman Place Suite 2 San Francisco, CA 94103 Telephone: (415) 571-9570 4 Email: scraiggoff@aol.com 5 Attorney for Plaintiff Murlene Spinks 6 7 UNITED STATES DISTRIC COURT EASTERN DISTRICT OF CALIFORNIA 8 9 MURLENE SPINKS, Case No.: 2:15-cv-00671-JAM-KJN 10 Plaintiff, 11 PLAINTIFF'S MOTION TO HAVE **DEFENDANTS SERVED BY U.S. MARSHALS** 12 vs. PURSUANT TO 28 U.S.C. SECTION 1915 AND [PROPOSED] ORDER 13 PLACER COUNTY ET AL, 14 15 Defendants. 16 17 18 19 Plaintiff Murlene Spinks, by and through undersigned counsel, pursuant to 28 U.S.C. 20 Section 1915, hereby moves this Court for an order to have the U.S. Marshal for the Eastern 21 District of California serve, without the prepayment of fees, a copy of the complaint and recently 22 23 issued summons upon all named defendants in this action. 24 25 26 27 28 MOTION TO HAVE DEFENDANTS SERVED BY U.S. MARSHALS PURSUANT TO SECTION 1915®

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Plaintiff originally filed this complaint in this U.S. District Court. A request for a court fee waiver was submitted and that fee waiver was granted by this Court on February 4, 2016.

DISCUSSION

U.S. Marshals serve, without the prepayment of fees, a copy of a complaint and summons upon defendants in an action if it is shown that the action is not frivolous or subject to sua sponte dismissal. Section 1915(d) of Title 28 of the United States Code provides that "[t]he officers of the court shall issue and serve all process, and perform all duties in [in *forma pauperis*] cases." 28 U.S.C. § 1915(d). Federal Rule of Civil Procedure 4(c)(3) requires that where the plaintiff is allowed to proceed in forma pauperis, the court must order the U.S. Marshal or deputy marshal to effect service. See Fed. R. Civ. P. 4(c)(3). It is the Plaintiff's contention that because she was granted permission to proceed in forma pauperis by this Court when she initially filed her complaint and that it has been shown that the action is not frivolous or subject to sua sponte dismissal, that she is entitled to have service of the recently issued summons and complaint performed by U.S. Marshals without the prepayment of fees to all defendants.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests this Court for an order to have the U.S. Marshal for the Eastern District of California serve, without the prepayment of fees, a copy of the complaint and recently issued summons upon all defendants in this action.

Dated: February 4, 2016

Respectfully Submitted,

/S/Stanley Goff
Stanley Goff

Attorney for Plaintiff Murlene Spinks

//// |PROPOSED| ORDER

IT IS HEREBY ORDERED that the Plaintiff's request be granted.

Dated: 3.7. 2016

Honorable Judge Mendez

MOTION TO HAVE DEFENDANTS SERVED BY U.S. MARSHALS PURSUANT TO SECTION 1915©