UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA NATHANIEL DIXON, No. 2:15-cv-2372 KJM AC P Plaintiff. **ORDER** v. D. OLEACHEA, et al., Defendants. 

Plaintiff is a state prisoner proceeding pro se with this civil rights action filed under 42 U.S.C. § 1983. Plaintiff paid the filing fee. By order filed May 4, 2018, the court screened plaintiff's First Amended Complaint (FAC) pursuant to 28 U.S.C. § 1915A, found that it states cognizable claims against defendants Oleachea, Sandoval and Hall, and directed plaintiff to request, obtain and file defendants' waivers of service. See ECF No. 12. The court informed plaintiff that, if necessary, he could file a motion requesting the assistance of the United States Marshall (USM) to personally serve any defendant from whom he was unable to obtain a waiver. See id. at 7-8. The court also informed plaintiff that "[s]uch motion should set forth plaintiff's efforts to obtain the identified defendant's waiver, including at least one attempt by plaintiff to follow up on his initial request for waiver; and evidence supporting the accuracy of the defendant's current address, including any inquiries made by plaintiff to CDCR or the Office of the California Attorney General, and responses thereto." Id. at 7 n.3.

Plaintiff now moves for the assistance of the court and the USM to locate and serve defendants, stating that he does not have the financial means to do so. See ECF No. 13. Plaintiff provides the names and badge numbers of the correctional officers at California State Prison Sacramento against whom this action proceeds, noting that one officer may be retired. It is clear that plaintiff has made no attempt to obtain these defendants' waivers of service.

Plaintiff may submit an application to proceed in forma pauperis in this case; a blank form is provided with this order. Plaintiff is informed that, in cases filed by pro se plaintiffs proceeding in forma pauperis, "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases." 28 U.S.C. § 1915(d). If plaintiff is granted in forma pauperis status, he will still be required to complete and return one summons and three USM-285 forms, and provide four copies of the operative FAC. However, the USM will be directed to obtain the waivers from defendants or, if that fails, to personally serve defendants. If plaintiff is not granted in forma pauperis status, he will need to attempt to complete these matters on his own before seeking the court's assistance.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion for assistance, ECF No. 13, is denied without prejudice.
- 2. Plaintiff may, within thirty (30) days after the date of this order, submit a completed application to proceed in forma pauperis.
- 3. The Clerk of Court is directed to send plaintiff, together with a copy of this order, a blank form used by prisoners in this district for seeking in forma pauperis status.

DATED: May 30, 2018

UNITED STATES MAGISTRATE JUDGE