

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIANA KAY HUBBARD,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:16-cv-0710-KJN

ORDER

Plaintiff has requested leave to proceed without the prepayment of fees and costs, also referred to as *in forma pauperis*, pursuant to 28 U.S.C. § 1915.<sup>1</sup> Plaintiff submitted the required affidavit, which demonstrates that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed *in forma pauperis* is granted. See 28 U.S.C. § 1915(a).

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. Plaintiff’s request to proceed *in forma pauperis* (ECF No. 3) is granted.
2. Service of process is appropriate for the Commissioner of Social Security.
3. The Clerk of the Court is directed to serve the undersigned’s scheduling order in

---

<sup>1</sup> This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15).

1 Social Security cases.

2 4. The Clerk of the Court is further directed to serve a copy of this order on the  
3 United States Marshal.


4 5. Within fourteen (14) days from the date of this order, plaintiff shall submit to the  
5 United States Marshal an original and five copies of the completed summons, five copies of the  
6 complaint, five copies of the scheduling order, and a completed USM-285 form, *and shall file a*  
7 *statement with the court that such documents have been submitted to the United States Marshal.*

8 6. The United States Marshal is directed to serve all process without prepayment of  
9 costs not later than sixty (60) days from the date of this order. Service of process shall be  
10 completed by delivering a copy of the summons, complaint, and scheduling order to the United  
11 States Attorney for the Eastern District of California, and by sending two copies of the summons,  
12 complaint, and scheduling order by registered or certified mail to the Attorney General of the  
13 United States at Washington, D.C. See Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal shall also  
14 send a copy of the summons, complaint, and scheduling order by registered or certified mail to  
15 the Commissioner of Social Security, c/o Office of General Counsel, Region IX, 160 Spear  
16 Street, Suite 800, San Francisco, CA, 94105-1545. See Fed. R. Civ. P. 4(i)(2).

17 7. The parties are advised of Local Rule 110, which provides: "Failure of counsel or  
18 of a party to comply with [the court's Local] Rules or with any order of the Court may be grounds  
19 for imposition by the Court of any and all sanctions authorized by statute or Rule or within the  
20 inherent power of the Court."

21 IT IS SO ORDERED.

22 Dated: May 26, 2016

23   
24 \_\_\_\_\_  
25 KENDALL J. NEWMAN  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28