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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,
Plaintiff,
v.
SGT. KLEIN, et al.,
Defendants.

No. 2:17-cv-0535 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, who paid the filing fee. By order filed May 3, 2017, plaintiff was directed to complete service of process on defendants within sixty days. On May 10, 2017, plaintiff filed a motion for the U.S. Marshal to serve defendants, citing Rule 4(c)(3) of the Federal Rules of Civil Procedure, and alleges that he is indigent with no income.

However, plaintiff did not seek leave to proceed in forma pauperis, which would entitle him to have the U.S. Marshal serve process on defendants. Because plaintiff states that he is indigent with no income, the Clerk of the Court is directed to send plaintiff the application to proceed in forma pauperis. Once plaintiff completes and returns the form, the undersigned will reconsider the May 3, 2017 order if plaintiff can demonstrate he is entitled to proceed in forma pauperis.

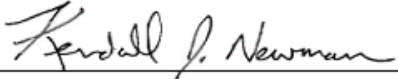
On June 1, 2017, and June 6, 2017, plaintiff renewed his motions to have the U.S. Marshal service process on defendants. (ECF Nos. 17 & 18.) In his last motion, plaintiff claims he has

1 repeatedly requested the U.S. Marshal effect service but he “keeps getting ignored.” (ECF No. 18
2 at 2.) Plaintiff is cautioned that he must allow the court sufficient time to address a motion.
3 Filing duplicate motions will not ensure a quicker response from the court, which faces one of the
4 highest prisoner caseloads in the nation. Because these motions are duplicative of the May 19,
5 2017 motion, such motions are denied.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Clerk of the Court is directed to send plaintiff an application to proceed in forma
8 pauperis;
- 9 2. Within thirty days from the date of this order, plaintiff shall complete and return the
10 application to proceed in forma pauperis;¹ and
- 11 3. Plaintiff’s motions (ECF Nos. 17 & 18) are denied as duplicative.

12 Dated: June 13, 2017

13 
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

14 /frat0535.ifp

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27 ¹ Plaintiff is not required to provide a certified trust account statement. Once plaintiff provides
28 the completed and signed application to proceed in forma pauperis, the CDCR will provide the
certified trust account statement directly to the court.