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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME A. CLAY  
Plaintiff,  
v.  
A&T INTETRATED DISABILITY  
SERVICE CENTER, et al.,  
Defendants.

No. 2:17-cv-00749 KJM GGH

ORDER

On April 14, 2017 this court issued an Order granting plaintiff’s Motion to Proceed In Forma Pauperis but dismissing his original complaint filed on April 7, 2017, ECF No. 1, for failure to state a basis for jurisdiction in this court. ECF No. 4. On April 19, 2017 plaintiff filed a First Amended Complaint in which he stated federal jurisdiction pursuant to 29 U.S.C. section 1132 (ERISA). ECF No. 5. The court has reviewed this Amended Complaint and will find that it is sufficient to move forward.

Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for named defendant AT&T Integrated Disability Service Center;
2. he Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.

1 P. 4, including a copy of this court's status order, without prepayment of costs.

2 3. The Clerk of the Court shall send plaintiff one USM-285 form for defendant, one  
3 summons, a copy of the complaint, an appropriate form for consent to trial by a magistrate judge,  
4 and this court's status order.

5 4. Plaintiff is directed to supply the U.S. Marshal, within 14 days from the date this  
6 order is filed, all information needed by the Marshal to effect service of process, and shall file a  
7 statement with the court that said documents have been submitted to the United States Marshal.

8 The court anticipates that, to effect service, the U.S. Marshal will require at least:

- 9 a. One completed summons for the defendant;
- 10 b. One completed USM-285 form for the defendant;
- 11 c. One copy of the endorsed filed complaint for the defendant, with an extra  
12 copy for the U.S. Marshal;
- 13 d. One copy of this court's status order for each defendant; and
- 14 e. One copy of the instant order for the defendant.

15 5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate  
16 service on any defendant within 90 days from the date of this order, the Marshal is directed to  
17 report that fact, and the reasons for it, to the undersigned.

18 6. If the defendant waives service, the defendant is required to return the signed  
19 waiver to the United States Marshal. If the Marshal has already attempted personal service, the  
20 filing of an answer or a responsive motion will not relieve a defendant from the potential  
21 obligation to pay the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2).

22 7. The Clerk of the Court is directed to serve a copy of this order on the U.S.  
23 Marshal, 501 "I" Street, Sacramento, CA 95814, Tel. No. (916) 930-2030.

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