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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

JAMES L. WILLIAMS,

Defendant.

No. 2:17-cv-01490 JAM GGH

ORDER

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2. The court has examined the informa pauperis application and has determined that plaintiff lacks the resources to pay the fees and costs associated with this action and will therefore grant the Motion. The court has also determined that the Complaint filed facially states a claim under Bivens v. Six Unknown Agents etc., 403 U.S. 388 (1971), or in the alternative, 42 U.S.C. section 1983, and will therefore direct service of the Complaint on the named defendant.

As a result of the foregoing it IT IS HEREBY ORDERED that:

1. Plaintiff’s Motion to Proceed In Forma Pauperis is GRANTED;
2. Service on the named defendant is appropriate;
3. The 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 4. The Clerk of the Court shall send plaintiff one USM-285 form for the named
3 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
4 magistrate judge, and this court's status order;

5 5. 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 the defendant; and
- 14 e. One copy of the instant order for the defendant.

15 6. 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 7. If the defendant waives service, he is required to return the signed waiver to the
19 United States Marshal. If the Marshal has already attempted personal service, the filing of an
20 answer or a responsive motion will not relieve a defendant from the potential obligation to pay
21 the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2).

22 8. 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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9. Plaintiff's failure to comply with this order may result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110 and 183(a).

IT IS SO ORDERED.

Dated: July 24, 2017

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE