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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUANITA MACHADO,  
Plaintiff,  
v.  
J. A. LIZARRAGA, et al.,  
Defendants.

No. 2:17-cv-02430 TLN CKD PS

ORDER

Plaintiff is proceeding in this action pro se and in forma pauperis. Before the court is plaintiff's third amended complaint, ECF No. 49, which was filed in response to the court's August 2, 2019 order addressing plaintiff's second amended complaint, ECF No. 45.

Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines the allegation of poverty is untrue, or the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant. The court cannot make this determination on the present record. Therefore, the court reserves decision on these issues until the record is sufficiently developed and will order service of the third amended complaint.

Good cause appearing, IT IS ORDERED that:

1. The Clerk of the Court is directed to issue the undersigned's order setting status conference.
2. The United States Marshal is directed to serve within ninety days of the date of this

1 order, all process pursuant to Fed. R. Civ. P. 4(i), including a copy of this court's order setting  
2 status conference, without prepayment of costs.

3 3. The Clerk of the Court shall send plaintiff one USM-285 form for each of the seven  
4 named defendants, one summons, a copy of the Third Amended Complaint, and this court's order  
5 setting status conference.

6 4. Plaintiff is directed to provide to the United States Marshal, within fourteen days from  
7 the date this order is filed, all information needed by the Marshal to effect service of process,  
8 including all information required for proper service of summons under Federal Rule of Civil  
9 Procedure (i) and shall file a statement with the court that said documents have been submitted to  
10 the United States Marshal, along with a copy of the information provided to the Marshal. The  
11 court anticipates that, to effect service, the U.S. Marshal will require at least:

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

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

21 6. The Clerk of the Court is directed to serve a copy of this order on the United States  
22 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

23 Dated: November 22, 2019

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26 CAROLYN K. DELANEY  
27 UNITED STATES MAGISTRATE JUDGE