

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

ELYSE MARIE MYERS,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:17-cv-02582-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. § 1915.¹ (ECF No. 2.) Plaintiff has submitted the required affidavit, which demonstrates that plaintiff is unable to prepay fees and costs or give security for them. (See Id.) 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. 2) 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

¹ This case was referred to the undersigned pursuant to Local Rule 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: December 13, 2017

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