1       1         2       3         3       4         5       6         6       7         8       UNITED STATES DISTRICT COURT         9       FOR THE EASTERN DISTRICT OF CALIFORNIA         10       1         11       PETER T. HARRELL,         12       Plaintiff,         13       v.         14       ELIZABETH F. FERGUSON REVOCABLE LIVING TRUST, et al.,         15       Defendants.         16       Defendants.         17       9         18       Plaintiff brings this civil action prose. On January 16, 2018 this court issued Findings and Recommendations recommending that plaintiff's request for in forma pauperis, ECF No. 2 be denied and the action be dismissed. ECF No. 3. The court has now revisited the issue of plaintiff's status and his objections to the court's recommendation, and without finally ruling on the legal propriety of the claims, withdraws the Findings and Recommendations, and grants plaintiff's request. It is therefore the Order of the court that:         1.       Plaintiff's request to proceed with this action in forma pauperis is GRANTED.         2.       Service on the named defendant is appropriate at this time.         3.       The Clerk of the Court is directed to issue forthwith, and the U.S. Marshall is directed to serve all process pursuant to Fed. R. Civ. P. 4 within ninety of this order which service will include a copy of this co			
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1	28	will include a copy of this court's status order	
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1	4. Plaintiff is directed to supply the U.S. Marshal, within 14 days from the date this		
2	order is filed, all information needed by the Marshal to effect service of process, and shall file a		
3	statement with the court that said documents have been submitted to the United States Marshal.		
4	The court anticipates that, to effect service, the U.S. Marshal will require at least:		
5	a. One completed summons for the defendant;		
6	b. One completed USM-285 form for the defendant;		
7	c. One copy of the endorsed filed complaint for the defendant, with an extra		
8	copy for the U.S. Marshal;		
9	d. One copy of this court's status order for the defendant; and		
10	e. One copy of the instant order for the defendant.		
11	5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate		
12	service on any defendant within 90 days from the date of this order, the Marshal is directed to		
13	report that fact, and the reasons for it, to the undersigned.		
14	6. If the defendant waives service, he is required to return the signed waiver to the		
15	United States Marshal. If the Marshal has already attempted personal service, the filing of an		
16	answer or a responsive motion will not relieve a defendant from the potential obligation to pay		
17	the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2).		
18	7. The Clerk of the Court is directed to serve a copy of this order on the U.S.		
19	Marshal, 501 "I" Street, Sacramento, CA 95814, Tel. No. (916) 930-2030.		
20	8. Plaintiff's failure to comply with this order may result in a recommendation that		
21	this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110		
22	and 183(a).		
23	IT IS SO ORDERED.		
24	Dated: September 3, 2018		
25	/s/ Gregory G. Hollows		
26	UNITED STATES MAGISTRATE JUDGE		
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