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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN CATHEY,
Plaintiff,
v.
JODY BROWN, City of Vallejo. Police
Officer,
Defendant.

No. 2:18-cv-00386-WBS-GGH

ORDER

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. An examination of plaintiff’s request and affidavit demonstrates that he is unable to finance the fees and costs associated with this case and the court will, therefor, GRANT his motion for in forma pauperis status.

Insofar as plaintiff may be entitled to relief if the claimed violation of constitutional rights is proved, defendants will be ordered to file a response to the petition.

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

1. Plaintiff Deshawn Cathey’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; and the current
2 Order;

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

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

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

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

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

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

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

25 9. If the response to the complaint is a motion, plaintiff's opposition or statement of
26 non-opposition shall be filed and served within thirty (30) days of the service of the motion or
27 fourteen (14) days before the date on which the motion is scheduled to be heard, whichever is

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1 sooner, and defendant may Reply seven(7) days thereafter;

2 **IT IS SO ORDERED.**

3 Dated: February 23, 2018

4 /s/ Gregory G. Hollows
5 UNITED STATES MAGISTRATE JUDGE
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