

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 JESSICA AVILA,  
5 Plaintiff(s),

No. CV 10-03072 VRW

6 v.

**ORDER RE:  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

7 UCSF STUDENT HEALTH COUNSELING,  
8 Defendant(s).

9 \_\_\_\_\_/  
10 Pursuant to Civil LR 3-10, the application of plaintiff(s) in this action to proceed in  
11 forma pauperis is before the court for review. The court has considered the application and has  
carefully reviewed the complaint pursuant to 28 USC § 1915(e)(2).

12 IT IS ORDERED that leave to proceed in forma pauperis is:

13  GRANTED and the clerk shall issue summons. IT IS FURTHER ORDERED,  
14 pursuant to 28 USC § 1915(d), that the U.S. Marshal for the Northern District of California serve,  
15 without prepayment of fees, a copy of the summons, complaint and any amendments or attachments,  
16 scheduling orders, plaintiff's affidavit and this order upon defendant(s). You must provide the  
17 Marshal with the names and current addresses of each of the defendants. It is your responsibility to  
18 ensure that the Marshal has sufficient information to identify and effect service upon each of the  
19 defendants. If the Marshal is unable to effect service of the summons and complaint upon a  
20 defendant within 120 days after the filing of the complaint through no fault of his own (for example,  
21 because you failed to provide sufficient information about the defendant or because the defendant is  
22 not where you claim), your action will be dismissed as to that defendant without prejudice under  
23 Federal Rule of Civil Procedure 4(m). This order does not relieve the court of its continuing  
24 obligation to dismiss the case if the court determines that the allegation of poverty is untrue, or that  
25 the action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks  
26 monetary relief against a defendant who is immune from such relief.

27  DENIED and the plaintiff(s) shall pay the filing fee of \$350.00 or make a partial  
28 payment of \$ \_\_\_\_\_ no later than 30 days from the date of this order. Failure to pay the filing fee  
by that date will result in dismissal of the action without prejudice. The clerk shall provide  
plaintiff(s) a copy of Rule 4 of the Federal Rules of Civil Procedure. It is your responsibility to  
obtain a summons from the clerk and to effect service of the summons and complaint in accordance  
with Rule 4 of the Federal Rules of Civil Procedure. Failure to do so will result in dismissal of your  
case. This order does not relieve the court of its continuing obligation to dismiss the case if the  
court determines that the allegation of poverty is untrue, or that the action is frivolous or malicious,  
fails to state a claim on which relief may be granted or seeks monetary relief against a defendant  
who is immune from such relief.

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- DENIED and the action is DISMISSED pursuant to 28 USC § 1915(e)(2)(B) based on the court's determination that the action
- is frivolous or malicious
- fails to state a claim on which relief may be granted
- seeks monetary relief against a defendant who is immune from such relief.

The clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

  
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VAUGHN R. WALKER  
United States District Chief Judge