

UNITED STATES DISTRICT COURT
Northern District of California
Oakland Division

DANNY F.ATTERBURY,

No. C 11-04932 LB

Plaintiff,

v.

**ORDER RE SERVICE OF
AMENDED COMPLAINT AND
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**THERESE VARNEY, *et al.*,Defendants.

Plaintiff Danny Atterbury filed an application to proceed *in forma pauperis*. ECF No. 2. Plaintiff consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). ECF No. 5. Good cause appearing, the court granted Plaintiff's application. ECF No. 7 at 1. The court, however, also found that it lacked subject-matter jurisdiction because Plaintiff's allegations of state action were insufficient and the federal Fair Housing Act only protects against discrimination based on race, color, religion, sex, familial status, or national origin. *Id.* at 1-2. Thus, the court dismissed the complaint with leave to amend. *Id.* at 2. Plaintiff filed an amended complaint that named new defendants and made new factual allegations. ECF No. 8. Plaintiff also filed supplemental letters. ECF Nos. 11, 13, and 14. Amongst other things, Plaintiff raises the specter of ADA violations and discusses the entanglement of the defendant entity with the government. *See* ECF No. 13 at 1-2; ECF No. 14 at 1-2.

The court now **ORDERS** service of the complaint on Defendants. The Clerk of Court shall

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1 issue the summons. Furthermore, the U.S. Marshal for the Northern District of California shall
2 serve, without prepayment of fees, a copy of the complaint, any amendments or attachments,
3 Plaintiff's affidavit and this order upon Defendant.

4 Because Defendants have not yet been served, the court **CONTINUES** the case management
5 conference from April 12, 2012 to June 14, 2012 at 10:30 a.m. at the Phillip Burton Federal Building
6 and United States Courthouse, Courtroom C, 15th Floor, 450 Golden Gate Avenue, San Francisco,
7 California.

8 **IT IS SO ORDERED.**

9 Dated: April 11, 2012



LAUREL BEELER
United States Magistrate Judge