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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DUANE ROBERSON,

Plaintiff,

vs.

ST. ANTHONY FOUNDATION,

Defendant.

Case No: C 10-4576 SBA
ORDER OF SERVICE

Plaintiff, Duane Roberson (“Plaintiff”), filed the instant *pro se* employment discrimination action on October 8, 2010, along with an application to proceed in forma pauperis (“IFP”). On November 2, 2010, the Court granted Plaintiff’s application to proceed IFP, but dismissed the Complaint with leave to amend. Dkt. 9. Plaintiff filed a First Amended Complaint on November 22, 2010, which was followed by motion to file a Second Amended Complaint on January 24, 2011. Dkt. 10, 13, 14.¹ Plaintiff also has requested a waiver of PACER access fees. Dkt. 12.

Rule 15(a)(2) provides that leave to amend a complaint should be “freely given when justice so requires.” Fed.R.Civ.P. 15(a)(2); Moss v. United States Secret Serv., 572 F.3d 962, 972 (9th Cir. 2009). Rule 15 “is to be applied with extreme liberality.” Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003). In addition, a pleading filed by a *pro se* plaintiff must be liberally construed. Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1990). Having read and considered the papers filed in connection with this matter and being fully informed, the Court hereby GRANTS the motion for leave to amend. However, Plaintiff’s motion for a waiver of PACER access fees is DENIED on the ground

¹ The Court has not ordered service of the First Amended Complaint on Defendant.

1 that he has not persuaded the Court that such a waiver is either necessary or appropriate in
2 this action.

3 Accordingly,

4 IT IS HEREBY ORDERED THAT:

5 1. Plaintiff's motion for leave to file a Second Amended Complaint (Dkt. 13) is
6 GRANTED. The Second Amended Complaint (Dkt. 14) shall be deemed filed by the Clerk
7 as of the date it was lodged with the Court.

8 2. Plaintiff's motion for a waiver of PACER access fees (Dkt. 12) is DENIED.

9 3. The U.S. Marshal for the Northern District of California serve, without
10 prepayment of fees, shall serve a copy of the Second Amended Complaint and any prior
11 pleadings, scheduling orders, attachments, plaintiff's affidavit (including, without
12 limitation, Docket Nos. 1, 2, 3, 9, 13 and 14) and this Order upon the Defendant,
13 **St. Anthony Foundation.**

14 4. The parties shall appear for a telephonic Case Management Conference on
15 **June 29, 2011 at 2:45 p.m.** The parties shall meet and confer prior to the conference and
16 shall prepare a joint Case Management Conference Statement which shall be filed no later
17 than ten (10) days prior to the Case Management Conference. The statement shall comply
18 with the Standing Order for All Judges of the Northern District of California and the
19 Standing Order of this Court. Plaintiff shall be responsible for filing the statement as well
20 as for arranging the conference call. All parties shall be on the line and shall call (510)
21 637-3559 at the above indicated date and time.

22 5. The parties are directed to comply with the deadlines set forth in the Court's
23 Order Setting Initial Case Management Conference (Dkt. 2), as modified, based on the new
24 date for the Case Management Conference, as set forth above.

25 6. This Order terminates Docket Nos. 12, 13 and 15.

26 IT IS SO ORDERED.

27 Dated: March 15, 2011

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 DUANE ROBERSON,
5
6 Plaintiff,

7 v.

8 ST. ANTHONY FOUNDATION et al,
9 Defendant.

10 _____/

Case Number: CV10-04576 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on March 16, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Duane Roberson
19 1912 Ward Street
20 Berkeley, CA 94703

21 Dated: March 16, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk

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