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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DONNA J. WILLARD,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

CASE NO. 09cv2689-LAB (WMc)

**ORDER ADOPTING IN PART
REPORT AND
RECOMMENDATION RE:
APPLICATION TO PROCEED *IN
FORMA PAUPERIS***

By order issued December 4, 2009, the Court referred this matter to Magistrate Judge William McCurine for report and recommendation. On December 8, Judge McCurine issued a report and recommendation (the "R&R") recommending that Plaintiff's application to proceed *in forma pauperis* (the "IFP Application") be granted. The parties were given until December 22, 2009 to file any objections they might have to the R&R.

Because the R&R favors Plaintiff, she has no reason to object, and Defendant has not yet been served and so has no opportunity to object. The Court therefore **REJECTS** that portion of the R&R that provides for an objection period and **ADOPTS** the remainder as its ruling.

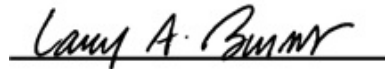
As set forth in the R&R, Plaintiff's IFP Application is **GRANTED**. The United States Marshals shall serve a copy of the complaint and summons upon Defendants as directed by Plaintiff on U.S. Marshal Form 285, with all costs of service to be advanced by the United

1 States. Defendant shall reply to the complaint within the applicable provisions of Fed. R.
2 Civ. P. 12(a) and 42 U.S.C. § 1997e(g).

3 Plaintiff shall serve on Defendant or, if appearance has been entered by counsel,
4 on Defendant's counsel, a copy of every further pleading or other document submitted for
5 consideration of the Court. Plaintiff shall include with the original paper to be filed with the
6 Clerk of the Court a certificate stating the manner in which a true and correct copy of any
7 document was served on the defendants or counsel of defendants and the date of service.
8 Any paper received by a district judge or magistrate judge which has not been filed with the
9 Clerk or which fails to include a Certificate of Service will be disregarded.

10 **IT IS SO ORDERED.**

11 DATED: December 9, 2009

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13 **HONORABLE LARRY ALAN BURNS**
14 United States District Judge

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