

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID PUTZER,

Plaintiff,

vs.

JIM GIBBONS, *et al.*,

Defendants.

2:10-cv-1409-PMP-RJJ

**ORDER**

This matter came before the Court on September 29, 2010, on Plaintiff's Application to Proceed in Forma Pauperis (#1) and a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983. The Court finds that Plaintiff is unable to pre-pay the filing fee. Additionally, the Complaint shall be served upon Defendants.

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed in Forma Pauperis is **GRANTED**. Plaintiff shall not be required to pre-pay the full filing fee of three hundred fifty dollars (\$350.00).

IT IS FURTHER ORDERED that the movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting leave to proceed in forma pauperis shall not extend to the issuance of subpoenas at government expense.

IT IS FURTHER ORDERED that the Clerk of the Court shall file the Complaint, issue summons to the named defendants herein, and deliver same to the U.S. Marshal for service. Plaintiff shall have twenty (20) days in which to furnish to the U.S. Marshal the required Forms

1 USM-285. Within twenty (20) days after receiving from the U.S. Marshal a copy of the Form  
2 USM-285 showing whether service has been accomplished, Plaintiff must file a notice with the  
3 Court identifying which defendants were served and which were not served, if any. If Plaintiff  
4 wishes to have service again attempted on an unserved defendant(s), then a motion must be filed  
5 with the Court identifying the unserved defendant(s) and specifying a more detailed name and/or  
6 address for said defendant(s), or whether some other manner of service should be attempted.  
7 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished within  
8 one hundred twenty (120) days from the date that the Complaint was filed.

9 IT IS FURTHER ORDERED that henceforth, Plaintiff shall serve upon defendants  
10 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,  
11 motion or other document submitted for consideration by the court. Plaintiff shall include with the  
12 original paper submitted for filing a certificate stating the date that a true and correct copy of the  
13 document was mailed to the defendants or counsel for the defendants. The court may disregard any  
14 paper received by a district judge or magistrate judge which has not been filed with the Clerk, and  
15 any paper received by a district judge, magistrate judge or the Clerk which fails to include a  
16 certificate of service.

17 DATED this 4<sup>th</sup> day of October, 2010.  
18  
19  
20

21   
22 ROBERT J. JOHNSTON  
23 United States Magistrate Judge  
24  
25  
26  
27  
28