

1 **IT IS THEREFORE ORDERED** that the Report and Recommendation [ECF No.8] is
2 ACCEPTED and ADOPTED in full.

3 **IT IS ORDERED** that McCoy's application to proceed in forma pauperis (ECF No. 7) is
4 GRANTED.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court filed the complaint. (ECF No.
6 1).

7 **IT IS FURTHER ORDERED** that McCoy is permitted to maintain the action to its
8 conclusion without the necessity of prepayment of any additional fees, costs, or security. This
9 order granting in forma pauperis status does not extend to the issuance of subpoenas at government
10 expense.

11 **IT IS FURTHER ORDERED** that McCoy's complaint (ECF No. 1) be DISMISSED with
12 leave to amend.

13 **IT IS FURTHER ORDERED** that plaintiff has 30 days from the date of this order is enter
14 to Amended Complaint to avoid dismissal with prejudice.

15 **IT IS FURTHER ORDERED** the Clerk of the Court is directed NOT to issue summons
16 on the Amended Complaint. The court will issue a screening order on the Amended Complaint
17 and address the issuance of Summons at that time, if applicable. See 28 U.S.C. § 1915(e)(2).

18 The Clerk of Court is directed to serve a copy of this Order upon Plaintiff.

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20 DATED: January 22, 2017.

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RICHARD F. BOULWARE, II
23 United States District Judge
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