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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

LYNN COLLINS, on behalf of patients of Dr.  
Terrill E. Brown, M.D., MPH,

Plaintiffs,

vs.

WALGREEN CO., *et al.*,

Defendants.

CASE NO. 1:12-cv-1780 AWI- BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 3, 5)

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Plaintiff Lynn Collins, *et. al.*, individually and on behalf of others similarly situated, is proceeding pro se in this civil action, having filed a complaint on October 19, 2012. (Doc. 1). On November 21, 2012, Magistrate Judge Barbara A. McAuliffe issued Findings and Recommendations recommending that Plaintiff complete and submit a new application to proceed in forma pauperis, or in the alternative, pay the \$350.00 filing fee for this action. (Doc. 5). The Findings and Recommendations were served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days of service of the Order. (Doc. 5). On December 6, 2012, without objection, Plaintiff paid the \$350.00 filing fee. (Receipt No. CAE100020838).

In accordance with the provisions of Title 28 of the United States Code section 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the

1 Court finds that the Findings and Recommendations are supported by the record and proper analysis.


2 Additionally, there are concerns with Plaintiff's complaint, including whether valid causes  
3 of action have been stated. The Court may raise issues such as jurisdiction and whether a complaint  
4 states a claim *sua sponte*. See Chapman v. Pier 1 Imports (U.S.), Inc., 631 F.3d 939, 954 (9th Cir.  
5 2011) (subject matter jurisdiction); Wong v. Bell, 642 F.2d 359, 361-362 (9th Cir. 1981) (failure to  
6 state a claim). When reviewing a complaint *sua sponte*, the Court must dismiss a complaint or  
7 portion thereof if the litigant has raised claims that are legally "frivolous or malicious," that fail to  
8 state a claim upon which relief may be granted, or that seek monetary relief from a defendant(s) who  
9 is immune from such relief. Prior to the issuance of any summonses, the Court will refer the  
10 complaint to the Magistrate Judge to issue findings and Recommendations regarding whether the  
11 complaint states valid causes of action for purposes of Federal Rules of Civil Procedure 12(b)(1) and  
12 12(b)(6). Plaintiff is advised that the Magistrate Judge has a large number of such cases pending  
13 before it and the Court will screen Plaintiff's complaint in due course.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Findings and Recommendations dated November 21, 2012, are ADOPTED  
16 IN FULL;
- 17 2. Plaintiff's motion to proceed in forma pauperis (Doc. No. 3) is DENIED due the  
18 payment of the filing fee by Plaintiff; and
- 19 3. This matter is referred to the Magistrate Judge for the purpose of screening the  
20 complaint to determine whether the Court has subject matter jurisdiction and  
21 whether the complaint states valid and properly pled causes of action.

22 IT IS SO ORDERED.

23 Dated: December 13, 2012

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26 UNITED STATES DISTRICT JUDGE  
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