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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
8	KEE LEE dba CHIN'S MARKET AND) 1:11cv0881 AWI DLB		
9	KITCHEN,)	
10	Plaintiff,) ORDER DIRECTING PLAINTIFF) TO SUBMIT USM-285 FORMS	
11	V.)	
12	UNITED STATES OF AMERICA; and		
13	DOES 1 through 100, inclusive,))	
14	Defendants.	ý)	
15		ý	
16	Plaintiff Kee Lee dba Chin's Market	t and Kitchen ("Plaintiff"), proceeding pro	
17	informa nounaris, filed this action on March		

Plaintiff Kee Lee dba Chin's Market and Kitchen ("Plaintiff"), proceeding pro se and informa pauperis, filed this action on March 31, 2011. Plaintiff filed an amended complaint on August 15, 2011, requesting judicial review of an administrative decision by the United States Department of Agriculture ("USDA") permanently disqualifying Plaintiff from participating in the Supplemental Nutrition Assistance Program ("SNAP").

DISCUSSION

A. <u>Screening Standard</u>

Pursuant to 28 U.S.C. § 1915(e)(2), the court must conduct an initial review of the complaint for sufficiency to state a claim. The court must dismiss a complaint or portion thereof if the court determines that the action is legally "frivolous or malicious," fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the court determines that the complaint fails to state

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a claim, leave to amend may be granted to the extent that the deficiencies of the complaint can be
 cured by amendment.

In reviewing a complaint under this standard, the Court must accept as true the allegations
of the complaint in question, <u>Hospital Bldg. Co. v. Trustees of Rex Hospital</u>, 425 U.S. 738, 740
(1976), construe the pro se pleadings liberally in the light most favorable to the Plaintiff, <u>Resnick</u>
<u>v. Hayes</u>, 213 F.3d 443, 447 (9th Cir. 2000), and resolve all doubts in the Plaintiff's favor,
Jenkins v. McKeithen, 395 U.S. 411, 421 (1969).

B. <u>Plaintiff's Allegations</u>

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Plaintiff operates a retail business in which the majority of his customers are SNAP participants. By a final agency decision, the USDA permanently disqualified Plaintiff from participating in SNAP. Plaintiff alleges that the USDA's actions were unlawful, arbitrary, capricious, discriminatory and denied him due process.

13 It appears that Plaintiff's amended complaint is adequate to state a cause of action.
14 Accordingly, IT IS HEREBY ORDERED that:

15	1.	Service is appropriate for the following Defendant:	
16		United States of America	
17	2.	The Clerk of the Court shall send Plaintiff one USM-285 form, one summons, an	
18		instruction sheet and a copy of the amended complaint filed August 15, 2011.	
19	3.	Within THIRTY (30) DAYS from the date of this Order, Plaintiff shall complete	
20		the attached Notice of Submission of Documents and submit the completed	
21		Notice to the Court with the following documents:	
22		a. One completed summons;	
23		b. One completed USM-285 form for each Defendant; and	
24		c. Three (3) copies of the amended complaint filed on August 15, 2011.	
25	4.	4. Plaintiff need not attempt service on Defendant and need not request waiver of	
26	service. Upon receipt of the above-described documents, the Court will direct the		
27		United States Marshal to serve the above-named Defendant pursuant to Federal	

Rule of Civil Procedure 4 without payment of costs.

1	5.	The failure to comply with this	Order will result in a Recommendation that this
2		action be dismissed.	
3	IT IS S	O ORDERED.	
4	Dated:	<u>September 19, 2011</u>	/s/ Dennis L. Beck UNITED STATES MAGISTRATE JUDGE
5			UNITED STATES MAGISTRATE JUDGE
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