

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**

EASTERN DISTRICT OF CALIFORNIA

RAYMOND BALDHOSKY,  
  
Plaintiff,  
  
v.  
  
SUSAN HUBBARD, et al.,  
  
Defendants.

Case No. 1:12-cv-01200-MJS (PC)

**ORDER DENYING PLAINTIFF'S MOTION  
FOR ISSUANCE OF SUMMONS**

**(ECF No. 17)**

Plaintiff is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint was dismissed for failure to state a claim. The Court has not yet screened the First Amended Complaint.

Before the Court is Plaintiff's motion that summons issue without further screening. He contends screening is not required because this is a non-prisoner action and thus not subject to the Prison Litigation Reform Act requirement for screening of civil actions in which a prisoner seeks redress. 28 U.S.C. § 1915A.

Plaintiff's pleading may be screened even though he is not a prisoner. He is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. That statute provides:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous or malicious . . . fails to state a

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

claim on which relief may be granted; or . . . seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2).

For the reasons stated, Plaintiff's motion (ECF No. 17) is DENIED.

IT IS SO ORDERED.

Dated: March 16, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE