## 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 GUSTAVO CORTES. Case No.: 1:17-cv-00543 DAD JLT 11 12 Plaintiff, ORDER GRANTING PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS (Doc. 2) 13 v. KERN COUNTY SUPERINTENDENT OF ORDER DIRECTING CLERK TO ISSUE NEW 14 CASE DOCUMENTS SCHOOLS, 15 ORDER DIRECTING PLAINTIFF TO Defendant. COMPLETE THE SERVICE DOCUMENTS 16 17 Gustavo Cortes initiated this action by filing a complaint and motion to proceed in forma 18 19 pauperis. (Docs. 1, 2) The Court may authorize the commencement of an action without prepayment 20 of fees "by a person who submits an affidavit that includes a statement of all assets such person . . . possesses [and] that the person is unable to pay such fees or give security therefor." 28 U.S.C. § 21 1915(a). The Court has reviewed the motion and finds Plaintiff satisfies the requirements of 28 U.S.C. 22 23 § 1915(a). 24 When, as here, an individual seeks to proceed in forma pauperis, the Court is required to review

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is frivolous "when the facts alleged rise to the level of the irrational or the wholly incredible, whether or

the complaint and shall dismiss a complaint, or portion of the complaint, if it is "frivolous, malicious or

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. § 1915A(b); 28 U.S.C. § 1915(e)(2). A plaintiff's claim

1	not there are judicially noticeable facts available to contradict them." <i>Denton v. Hernandez</i> , 504 U.S.	
2	25, 32-33 (1992). Thus, the Court has reviewed the allegations of the Complaint, and finds the	
3	allegations presented are not futile. Accordingly, the Court <b>ORDERS</b> :	
4	1.	Plaintiff's motion to proceed in forma pauperis is <b>GRANTED</b> ;
5	2.	The Clerk of Court is DIRECTED to issue summons as to the defendants, Kern County
6		Superintendent of Schools;
7	3.	The Clerk of Court is DIRECTED to serve Plaintiff with New Civil Case Documents,
8		USM-285 Forms, a Notice of Submission of Documents form, an instruction sheet, and
9		a copy of the Complaint;
10	4.	Within thirty days from the date of this order, Plaintiff SHALL complete the attached
11		Notice of Submission of Documents and submit the completed Notice to the Court with
12		the following documents:
13		a. A completed USM-285 form; and
14		b. Four copies of the complaint filed on April 17, 2017.
15	5.	Plaintiff need not attempt service on the defendants and need not request waiver of
16		service. Upon receipt of the above-described documents, the Court will direct the
17		United States Marshal to serve the defendants pursuant to Federal Rule of Civil
18		Procedure 4 without payment of costs.
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20	IT IS SO ORDERED.	
21	Dated:	April 19, 2017 /s/ Jennifer L. Thurston
22		UNITED STATES MAGISTRATE JUDGE
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