UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

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| EARL L. RILEY, III,<br>Plaintiff,<br>v.<br>ACCO ENGINEERED SYSTEMS,<br>Defendant. | Case No. 1:21-cv-01785-JLT-HBK<br>SCREENING ORDER<br>ORDER ALLOWING PLAINTIFF'S COMPLAINT TO PROCEED AND DIRECTING PLAINTIFF TO COMPLETE AND RETURN ENCLOSED SERVICE DOCUMENTS<br>Doc. No. 1 |

This matter is before the court for screening. *See* 28 U.S.C. § 1915(e)(2). Plaintiff, Earl L. Riley, III, is proceeding pro se and *in forma pauperis* in this discrimination action brought under Title VII of the Civil Rights Act of 1964 as amended in 1972 (42 U.S.C. § 2000e, *et seq.*) and under the general civil rights statutes, 42 U.S.C. §§ 1981, 1983. (Doc. No.1, Complaint). Plaintiff, an African American, was hired by Defendant as a journeyman sheet metal worker. (*Id.* at 2). Plaintiff alleges that while other sheet metal workers worked with partners, he was forced to work alone on jobs that required more than one worker. (*Id.*). Plaintiff also alleges that he was forced to quit his job when a picture of a money wearing construction gear and labeled "Sheet Metal Worker" was posted on the office wall. (*Id.*). Ultimately, Plaintiff alleges he was subjected to different terms and conditions of employment, harassed, and was constructively discharged because of his race and ethnicity. (*Id.*). Plaintiff has stated a cognizable claim of

discrimination in violation of Title VII against defendants. *See Moran v. Selig*, 447 F.3d 748, 753 (9th Cir. 2006) (citing *Kang v. U. Lim Am., Inc.*, 296 F.3d 810, 818 (9th Cir. 2002)); *Bauer v. Bd. of Supervisors*, 44 Fed. Appx. 194, 199 (9th Cir. 2002). Thus, the Court will authorize service of the complaint once Plaintiff returns the necessary forms.

Accordingly, it is ORDERED:

1. This action may proceed against Defendant Acco Engineered Systems.
2. Service of the complaint is appropriate for Acco Engineered Systems.
3. The Clerk of Court shall send Plaintiff a USM-285 form, summonses, a Notice of Submission of Documents form, an instruction sheet, and a copy of the complaint filed on December 17, 2021 (Doc. No. 1).
4. **Within thirty (30) days** of this Order, Plaintiff must complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:
    a. A completed summons for the Defendant;
    b. a completed USM-285 form for the Defendant; and
    c. two copies of the signed Complaint filed on December 17, 2021, (Doc. No. 1).
5. Plaintiff need not attempt service on Defendant and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the U.S. Marshals Service to serve the above-named Defendant under Federal Rule of Civil Procedure 4 without payment of costs by Plaintiff due to his *in forma pauperis* status.
6. Plaintiff's failure to timely comply with this Order may result in the dismissal of this action.

Dated: January 19, 2023

HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE