UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAM DRAKE, Plaintiff, v. STEPHANIE CLENDENIN, Defendant.	Case No. 1:22-cv-01165-EPG (PC) ORDER GRANTING PLAINTIFF'S APPLICATION TO PROCEED IN FORMA PAUPERIS (ECF No. 2)

Plaintiff appears to be a civil detainee.[1] Plaintiff is proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 13, 2022, Plaintiff submitted an application to proceed *in forma pauperis*. (ECF No. 2). Examination of Plaintiff's application reveals that Plaintiff is unable to afford the costs of this action. Accordingly, Plaintiff's application to proceed *in forma pauperis* is GRANTED.

IT IS SO ORDERED.

Dated: **September 15, 2022**

/s/ Eric P. Grosjean
UNITED STATES MAGISTRATE JUDGE

[1] Plaintiff appears to allege that he was recently in the custody of the Department of State Hospitals. (ECF No. 1, p. 4). While Plaintiff is currently incarcerated in Fresno County Jail, Plaintiff alleges that on April 6, 2022, he was declared incompetent to stand trial (ECF No. 1, p. 4). Plaintiff further alleges that he is supposed to be transferred to the Department of State Hospitals for treatment, but thus far he has not been transferred. (Id. at 3, 5, & 8). While not deciding the issue at this time, given Plaintiff's allegations, the Court will treat Plaintiff as a civil detainee for the limited purpose of resolving Plaintiff's pending application.

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