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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDUARDO DACUMOS,

Plaintiff,

No. 2:10-cv-00854 FCD KJN PS

v.

WORLD SAVINGS, et al., and DOES 1  
through 100, inclusive,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, who is proceeding without counsel, filed his complaint on April 12, 2010.<sup>1</sup> (Dkt. No. 1.) Presently before the court is plaintiff’s application to proceed without prepayment of fees, or in forma pauperis. (Dkt. No. 5.)

Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, and his application and declaration make the showing required by 28 U.S.C. § 1915(a)(1). (See Dkt. No. 5.) Accordingly, the undersigned grants plaintiff’s request to proceed in forma pauperis.

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<sup>1</sup> Although the caption in plaintiff’s complaint includes the term “et al.” in reference to the defendants in this action, no other defendant is specifically named in the complaint or the Civil Cover Sheet.

1           The determination that a plaintiff may proceed in forma pauperis does not  
2 complete the required inquiry. The court is also required to screen complaints brought by parties  
3 proceeding in forma pauperis. See 28 U.S.C. § 1915(e)(2); see also Calhoun v. Stahl, 254 F.3d  
4 845, 845 (9th Cir. 2001) (per curiam) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not  
5 limited to prisoners.”); accord Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc).  
6 Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss a case filed pursuant to the in  
7 forma pauperis statute if, at any time, it determines that the allegation of poverty is untrue, or if  
8 the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks  
9 monetary relief against an immune defendant. See also Lopez, 203 F.3d at 1126-27 (“It is also  
10 clear that section 1915(e) not only permits but requires a district court to dismiss an in forma  
11 pauperis complaint that fails to state a claim.”).

12           The undersigned cannot conclude on the present record that plaintiff’s complaint  
13 fails to state claims on which relief can be granted. The undersigned reserves decision as to  
14 plaintiff’s claims until the record is sufficiently developed, and this order in no way precludes  
15 defendants from challenging plaintiff’s complaint through a timely motion pursuant to Federal  
16 Rule of Civil Procedure 12 or other appropriate method of challenging plaintiff’s pleading.  
17 Accordingly, the undersigned will order service of the complaint on defendant “World Savings.”

18           For the foregoing reasons, IT IS HEREBY ORDERED that:

- 19           1. Plaintiff’s request to proceed in forma pauperis is granted.
- 20           2. Service of plaintiff’s complaint is appropriate for the following defendant:  
21 “World Savings.”
- 22           3. The Clerk of the Court is directed to issue forthwith all process pursuant to  
23 Federal Rule of Civil Procedure 4.
- 24           4. The Clerk of Court shall send plaintiff one USM-285 form, one summons,  
25 an endorsed copy of the complaint filed April 12, 2010 (Dkt. No. 1), this court’s scheduling  
26 order, and the forms providing notice of the magistrate judge’s availability to exercise

1 jurisdiction for all purposes.

2 5. Plaintiff is advised that to effectuate service, the U.S. Marshal will require:

3 a. One completed summons;

4 b. One completed USM-285 form for each defendant to be served;

5 c. A copy of the complaint for each defendant to be served, with an  
6 extra copy for the U.S. Marshal; and

7 d. A copy of this court's scheduling order and related documents for  
8 each defendant to be served; and

9 6. Plaintiff shall supply the United States Marshal, within 30 days from the  
10 date this order is filed, all information needed by the Marshal to effectuate service of process, and  
11 *shall, within 10 days thereafter, file a statement with the court that said documents have been*  
12 *submitted to the United States Marshal.*

13 7. The U.S. Marshal shall serve process, with copies of this court's  
14 scheduling order and related documents, within 90 days of receipt of the required information  
15 from plaintiff, without prepayment of costs. *The United States Marshal shall, within 10 days*  
16 *thereafter, file a statement with the court that such documents have been served.* If the U.S.  
17 Marshal is unable, for any reason, to effect service of process on any defendant, the Marshal shall  
18 promptly report that fact, and the reasons for it, to the undersigned.

19 8. The Clerk of Court shall serve a copy of this order on the United States  
20 Marshal, 501 "I" Street, Sacramento, CA 95814 (tel. 916-930-2030).

21 9. Plaintiff's failure to comply with this order may result in a  
22 recommendation that this action be dismissed.

23 IT IS SO ORDERED.

24 DATED: June 28, 2010

25   
26 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE