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

BECKY LOPEZ,

Plaintiff,

No. 2:10-cv-01822 GEB KJN PS

v.

M.V. TRANSPORTATION,
INCORPORATED,

Defendant.

ORDER

_____/

Plaintiff, who is proceeding without counsel, filed her complaint on July 14, 2010. (Dkt. No. 1.) Presently before the court is plaintiff’s application to proceed without prepayment of fees, or in forma pauperis.¹ (Dkt. No. 2.)

Plaintiff’s application in support of her request to proceed in forma pauperis makes the showing required by 28 U.S.C. § 1915(a)(1). (See Dkt. No. 2.) Accordingly, the undersigned grants plaintiff’s request to proceed in forma pauperis.

The determination that a plaintiff may proceed in forma pauperis does not complete the required inquiry. The court is also required to screen complaints brought by parties

¹ This case was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

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

10 The undersigned cannot conclude on the present record that plaintiff’s action is
11 frivolous, that her complaint fails to state claims on which relief can be granted, or that she seeks
12 monetary relief from an immune defendant. The undersigned reserves decision as to plaintiff’s
13 claims until the record is sufficiently developed, and this order does not preclude defendant from
14 challenging plaintiff’s complaint through a timely motion pursuant to Federal Rule of Civil
15 Procedure 12 or other appropriate method of challenging plaintiff’s pleading. Accordingly, the
16 undersigned will order service of the complaint on defendant M.V. Transportation, Incorporated.

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

- 18 1. Plaintiff’s application to proceed in forma pauperis is granted.
- 19 2. Service of plaintiff’s complaint is appropriate for the following defendant:
20 M.V. Transportation, Incorporated.
- 21 3. The Clerk of the Court is directed to issue forthwith all process pursuant to
22 Federal Rule of Civil Procedure 4.
- 23 4. The Clerk of Court shall send plaintiff one USM-285 form, one summons,
24 an endorsed copy of the complaint and plaintiff’s “right to sue” letter filed July 14, 2010 (Dkt.
25 Nos. 1, 3), this court’s scheduling order, and the forms providing notice of the magistrate judge’s
26 availability to exercise jurisdiction for all purposes.

