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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JEFFERY W. WALBERG,

No. 2:14cv0988-TLN-CMK

12 Plaintiff,

13 vs.

ORDER

14 UNITED STATES POSTAL SERVICE, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, proceeding in propria persona, brings this civil action under 28 U.S.C. §  
18 1331. Pending before the court is plaintiff's motion to proceed in forma pauperis (Doc. 3) and  
19 his complaint (Doc. 1).

20 Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that  
21 plaintiff is unable to prepay fees and costs or give security therefor. His motion to proceed in  
22 forma pauperis will therefore be granted.

23 The court is required to screen complaints brought by prisoners seeking relief  
24 against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.  
25 § 1915A(a). The court is also required to screen complaints brought by litigants who have been  
26 granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening

1 provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or  
2 malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief  
3 from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(A), (B) and  
4 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil Procedure 12(h), this court must  
5 dismiss an action “[w]henever it appears . . . that the court lacks jurisdiction of the subject matter  
6 . . . .” Because plaintiff, who is not a prisoner, has been granted leave to proceed in forma  
7 pauperis, the court will screen the complaint pursuant to § 1915(e)(2).

8                 Plaintiff’s complaint is against the United States Postal Service and one of its  
9 employees, Sean Rohan, relating to an automobile accident.

10                The court concludes that it has subject matter jurisdiction and that the complaint is  
11 appropriate for service by the United States Marshal without pre-payment of costs. If plaintiff  
12 desires service of process by the United States Marshal without pre-payment of costs, plaintiff  
13 must comply with the requirements outlined below. Plaintiff is warned that failure to comply  
14 with this order, or otherwise effect service pursuant to Federal Rule of Civil Procedure 4, may  
15 result in dismissal of the action for lack of prosecution and failure to comply with court rules and  
16 orders. See Local Rule 110.

17                Accordingly, IT IS HEREBY ORDERED that:

- 18                1.         Plaintiff’s motion to proceed in forma pauperis (Doc. 3) is granted;
- 19                2.         The Clerk of the Court shall issue a summons in a civil case, the  
20 undersigned’s new case documents, and an order setting this matter for an initial scheduling  
21 conference;
- 22                3.         The Clerk of the Court shall send plaintiff the summons, a USM-285 form,  
23 and a copy of the complaint;
- 24                4.         Within 15 days from the date of this order, plaintiff shall complete the  
25 summons by indicating the addresses of the named defendants and shall submit to the United  
26 States Marshal at the address indicated below the following documents:

1                   a.     The completed summons;  
2                   b.     One completed USM-285 form for each named defendant;  
3                   c.     Two copies of the complaint; and  
4                   d.     Two copies of the court's initial scheduling conference order  
5 issued herewith;

6                   5.     Within 20 days of the date of this order, plaintiff shall file a notice  
7 indicating that the documents described above have been submitted to the United States Marshal,  
8 or a notice that plaintiff intends to serve the summons and complaint without assistance from the  
9 United States Marshal;

10                  6.     If plaintiff seeks the assistance of the United States Marshal, the United  
11 States Marshal is directed to serve all process without pre-payment of costs not later than 60 days  
12 from the date of this order, such service of process to be completed by serving a copy of the  
13 summons, complaint, and initial scheduling conference order on the defendants at the addresses  
14 provided by plaintiff; and

15                  7.     The Clerk of the Court is directed to serve a copy of this order on the  
16 United States Marshal at 501 "I" Street, Sacramento, CA, 95814.

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18 DATED: December 18, 2014

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20 **CRAIG M. KELLISON**  
21 UNITED STATES MAGISTRATE JUDGE  
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