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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID VILLEGAS,

Plaintiff,

v.

CITY OF SACRAMENTO,

Defendant.

No. 2:14-cv-02703-MCE-AC

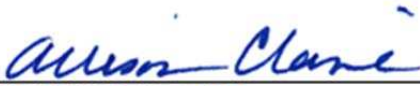
ORDER

Plaintiff seeks to proceed as a military veteran and be reimbursed his \$400 filing fee pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 U.S.C. § 4323(h)(1). This motion was referred to the undersigned by Chief District Judge, Morrison C. England, Jr. on November 20, 2014. ECF No. 5. The USERRA provides that “[n]o fees or court costs may be charged or taxed against any person claiming rights under” the USERRA. 38 U.S.C. § 4323(h)(1). Congress enacted the USERRA to end employment discrimination on the basis of membership in the armed forces. Townsend v. Univ. of Alaska, 543 F.3d 478, 482 (9th Cir. 2008). “‘Because USERRA was enacted to protect the rights of veterans and members of the uniformed services, it must be broadly construed in favor of its military beneficiaries.’” Montoya v. Orange Cnty. Sheriff’s Dep’t, 987 F. Supp. 2d 981, 1009 (C.D. Cal. 2013) (quoting Francis v. Booz, Allen & Hamilton, Inc., 452 F.3d 299, 303 (4th Cir. 2006)). Accordingly, in order to qualify for the reimbursement of filing fees under the USERRA

1 a plaintiff pursuing a claim under the act simply must allege that he is a member of the armed  
2 forces. Davis v. Advocate Health Ctr. Patient Care Exp., 523 F.3d 681, 684 (7th Cir. 2008).

3 Plaintiff's complaint alleges that defendant discriminated against him based on his status  
4 as a military veteran in violation of the USERRA, 38 U.S.C. § 4312. ECF No. 1 at 4-5. Plaintiff  
5 also alleges that he is a veteran of the United States Armed Forces. ECF No. 4 at 3. Accordingly,  
6 plaintiff's request to proceed as a military veteran under the USERRA will be granted. Because  
7 plaintiff has already paid his filing fee to proceed in this court, IT IS HEREBY ORDERED that  
8 the clerk of this court shall refund plaintiff's \$400 filing fee.

9 DATED: March 3, 2015

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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