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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREL L. ESPINOSA,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:14-cv-2881 KJM GGH PS

ORDER

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has been declared a vexatious litigant, and a pre-filing review order is in place. See Espinosa v. Marshall, 2:06-cv-1192 MCE GGH PS. The terms of that order, filed June 15, 2007, are:

- (1) Plaintiff shall not initiate any further pro se action in this court unless the pleadings initiating the action are accompanied by a declaration under penalty of perjury that explains why plaintiff believes he has meritorious claims. The declaration shall include a list of all previous actions plaintiff has filed in this or any court, identifying named defendants and all claims made in the previous actions. Plaintiff shall certify that the defendants named in the proposed action have never before been sued by plaintiff, or alternatively that any claims against previously sued defendants are not related to previous action [s]. The declaration shall also state that the claims are not frivolous or made in bad faith, and that plaintiff has conducted a reasonable investigation of the facts and the investigation supports his claim(s). Finally, a copy of this order shall be attached to any application.
- (2) The Clerk shall not file or lodge any action submitted pro se by plaintiff unless it is

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accompanied by the required declaration and a copy of the instant order; any such incomplete filings shall be returned to plaintiff without further action of the court. (3) If plaintiff files a pro se action accompanied by the required declaration, the Clerk shall open the matter as a miscellaneous case to be considered by the General Duty Judge of this court. The judge will issue necessary orders after making a determination whether the case is in fact related to a previous case filed by plaintiff, and whether it is non-frivolous.

(Id., ECF No. 92 at 2-3.)

Because the pre-filing screening order was not initially followed in this case in terms of non-filing, the undersigned will modify the terms of that order for this matter only. After plaintiff submits a declaration,¹ the undersigned will review it instead of the General Duty Judge.

Accordingly, IT IS ORDERED that: within **fourteen** days of this order, plaintiff shall file a declaration precisely as set forth in the order quoted above. Failure to submit a complete declaration will result in a recommendation that this action be dismissed.

Dated: February 6, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Espinosa2881.scrn

¹ For this action only, plaintiff will not be required to submit a copy of the 2007 order.