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

TAMARA L. BOS,

No. 2:15-CV-0017-JAM-CMK

Plaintiff,

vs.

ORDER

UNITED STATES SMALL  
BUSINESS ADMINISTRATION,  
et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the court is plaintiff's first amended complaint (Doc. 5).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court is also required to screen complaints brought by litigants who have been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(A), (B) and

1 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil Procedure 12(h)(3), this court  
2 must dismiss an action if the court determines that it lacks subject matter jurisdiction. Because  
3 plaintiff, who is not a prisoner, has been granted leave to proceed in forma pauperis, the court  
4 will screen the complaint pursuant to § 1915(e)(2). Pursuant to Rule 12(h), the court will also  
5 consider as a threshold matter whether it has subject-matter jurisdiction.

6 In this case, plaintiff names the following as defendants: (1) United States  
7 Small Business Administration; (2) Christie Lovell; (3) Carla Donaldson; (4) Sonja Hubbard;  
8 and (5) “Tammy G.” Plaintiff’s allegations relate to a micro loan made to plaintiff’s business,  
9 Tamara Lee Originals, Inc., and guaranteed by defendant United States Small Business  
10 Administration. Plaintiff claims defendants violated the Privacy Act of 1974.

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

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. 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 2. The Clerk of the Court shall send plaintiff the summons, five USM-285  
23 forms, and a copy of the first amended complaint;

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1           3.       Within 15 days from the date of this order, plaintiff shall complete the  
2 summons by indicating the addresses of the named defendants and shall submit to the United  
3 States Marshal at the address indicated below the following documents:

- 4                   a.       The completed summons;  
5                   b.       One completed USM-285 form for each named defendant;  
6                   c.       Six copies of the complaint; and  
7                   d.       Five copies of the court's initial scheduling conference order  
8                               issued herewith;

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

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

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

20  
21 DATED: July 27, 2016

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23 **CRAIG M. KELLISON**  
24 UNITED STATES MAGISTRATE JUDGE  
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