

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASEN LYNN DUSHANE.

No. 2:15-cv-0136 TLN CKD P

Plaintiff,

10

SACRAMENTO COUNTY MAIN JAIL,  
et al.,

## ORDER AND

## FINDINGS AND RECOMMENDATIONS

## Defendants

Plaintiff is a Nevada prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and 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 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by

1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account  
2 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 The court is required to screen complaints brought by prisoners seeking relief against a  
4 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The  
5 court has conducted the required screening and finds that plaintiff may proceed on claims arising  
6 under the First and Eighth Amendments against defendant Her. Accordingly, the court will order  
7 that defendant Her be served with process. Plaintiff's complaint fails to state a claim upon which  
8 relief can be granted against the Sacramento County Mail Jail.<sup>1</sup> Therefore, the court will  
9 recommend that the Sacramento County Main Jail be dismissed.

10 In accordance with the above, IT IS HEREBY ORDERED that:

11 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is granted.  
12 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees  
13 shall be collected and paid in accordance with this court's order to the Director of the Nevada  
14 Department of Corrections.

15 3. Service is appropriate for defendant Her.  
16 4. The Clerk of the Court shall send plaintiff a USM-285 form, a summons, an instruction  
17 sheet and a copy of the complaint.  
18 5. Within thirty days from the date of this order, plaintiff shall complete the attached  
19 Notice of Submission of Documents and submit the following documents to the court:

20 a. The completed Notice of Submission of Documents;  
21 b. One completed summons;  
22 c. One completed USM-285 form; and  
23 d. Two copies of the endorsed complaint.  
24 6. Plaintiff need not attempt service on defendant Her and need not request waiver of  
25 service. Upon receipt of the above-described documents, the court will direct the United States  
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27 <sup>1</sup> Plaintiff fails to allege any of his federal rights were violated as the result of a policy or custom  
28 of the Sacramento County Main Jail. See Monell v. Dept. of Social Services City of N.Y., 436  
U.S. 658, 694 (1978).

1 Marshal to serve defendant Her pursuant to Federal Rule of Civil Procedure 4 without payment of  
2 costs.

3 IT IS HEREBY RECOMMENDED that defendant Sacramento County Main Jail be  
4 dismissed.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, plaintiff may file written objections  
8 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
9 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
10 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
11 (9th Cir. 1991).

12 Dated: March 13, 2015

*Carolyn K. Delaney*

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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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No. 2:15-cv-0136 TLN CKD P

Plaintiff,

V.

SACRAMENTO COUNTY MAIN JAIL,  
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**NOTICE OF SUBMISSION OF  
DOCUMENTS**

## Defendants

Plaintiff hereby submits the following documents in compliance with the court's order filed :

completed summons form

completed USM-285 forms

copies of the \_\_\_\_\_

## Complaint

DATED:

## Plaintiff