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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,
Plaintiff,
v.
HARMAN, et al.,
Defendants.

No. 2:18-cv-0426 CKD P

ORDER

Plaintiff is a Sacramento County Jail prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff requests leave to proceed in forma pauperis. Since plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request 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 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

1 The court is required to screen complaints brought by prisoners seeking relief against a
2 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
3 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
4 “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek
5 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

6 Having conducted the required screening, the court finds that plaintiff may proceed on a
7 claim arising under the Fourth Amendment against defendant Harman. Plaintiff also names
8 Sacramento County as a defendant. However, a municipality cannot be a defendant in a § 1983
9 case unless the plaintiff is damaged in some way as a result of a custom or policy of the
10 municipality. See Monell v. Dep’t of Soc. Services of City of N.Y., 436 U.S. 658, 690 (1978).
11 There is no such allegation in plaintiff’s complaint.

12 Finally, the court notes that plaintiff has filed a motion asking that the court waive the
13 filing fee for this case and provide plaintiff with \$500 per month to “facilitate discovery and other
14 advances.” Both requests will be denied as prisoners are required to pay filing fees in full for
15 civil actions they file, see 28 U.S.C. § 1915(b)(1), and the court generally has no authority to
16 provide funds to pro se litigants for discovery or other litigation expenses.

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

- 18 1. Plaintiff’s request for leave to proceed in forma pauperis (ECF No. 5) is granted.
- 19 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
20 shall be collected and paid in accordance with this court’s order to the Sacramento County Sheriff
21 filed concurrently herewith.
- 22 3. Service is appropriate for defendant Harman.
- 23 4. The Clerk of the Court shall send plaintiff a USM-285 form, a summons, an instruction
24 sheet and a copy of the complaint.

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UNITED STATES DISTRICT COURT
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Defendants.

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NOTICE OF SUBMISSION
OF DOCUMENTS

Plaintiff 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