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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	JON HUMES,	No. 2:18-cv-0426 CKD P	
12	Plaintiff,		
13	v.	<u>ORDER</u>	
14	HARMAN, et al.,		
15	Defendants.		
16			
17	Plaintiff is a Sacramento County Jail prisoner proceeding pro se and seeking relief		
18	pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302		
19	pursuant to 28 U.S.C. § 636(b)(1).		
20	Plaintiff requests leave to proceed in forma pauperis. Since plaintiff has submitted a		
21	declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted.		
22	Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§		
23	1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the		
24	initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court.		
25	Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding		
26	month's income credited to plaintiff's prison trust account. These payments will be forwarded by		
27	the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account		
28	exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).		
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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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1	5. Within thirty days from the date of this order, plaintiff shall complete the attached		
2	Notice of Submission of Documents and submit the following documents to the court:		
3	a. The completed Notice of Submission of Documents;		
4	b. One completed summons;		
5	c. One completed USM-285 form; and		
6	d. Two copies of the complaint.		
7	6. Plaintiff need not attempt service on defendant and need not request waiver of service.		
8	Upon receipt of the above-described documents, the court will direct the United States Marshal to		
9	serve the above-named defendant pursuant to Federal Rule of Civil Procedure 4 without payment		
10	of costs.		
11	7. Plaintiff's "motion to dismiss filing fees" (ECF No. 6) is denied.		
12	8. Plaintiff's "motion for funds" (ECF No. 7) is denied.		
13	9. The Clerk of the Court is directed to assign a district court judge to this case.		
14	IT IS HEREBY RECOMMENDED that Sacramento County be dismissed.		
15	These findings and recommendations are submitted to the United States District Judge		
16	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen after		
17	being served with these findings and recommendations, plaintiff may file written objections with		
18	the court. The document should be captioned "Objections to Magistrate Judge's Findings and		
19	Recommendations." Plaintiff is advised that failure to file objections within the specified time		
20	waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.		
21	1991).		
22	Dated: April 16, 2018 Carph / Delan		
23	CAROLYN K. DELANEY		
24	UNITED STATES MAGISTRATE JUDGE		
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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	JON HUMES,	No. 2:18-cv-0426 CKD P	
12	Plaintiff,		
13	V.	NOTICE OF SUBMISSION	
14	HARMAN, et al.,	OF DOCUMENTS	
15	Defendants.		
16			
17	Plaintiff submits the following docum	ents in compliance with the court's order filed	
18	:		
19	completed summons form		
20	completed USM-285 forms		
21	copies of the Complaint		
22		omplant	
23	DATED:		
24			
25		Plaintiff	
26			
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