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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
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11	DARON MICHAEL OLIVER, No. 2:18-CV-1809-KJM-CMK
12	Plaintiff,
13	vs. <u>ORDER</u>
14	DUANE SHELTON, et al.,
15	Defendants.
16	/
17	Plaintiff, who is proceeding pro se, brings this civil action. Pending before the
18	court are plaintiff's complaint (Doc. 1) and plaintiff's request for leave to proceed in forma
19	pauperis (Doc. 2).
20	Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that
21	plaintiff is unable to prepay fees and costs or give security therefor. Plaintiff's request for leave
22	to proceed in forma pauperis will be granted.
23	The court is required to screen complaints brought by prisoners seeking relief
24	against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.
25	§ 1915A(a). The court is also required to screen complaints brought by litigants who have been
26	granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening
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provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or 1 2 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 3 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil Procedure 12(h)(3), this court 4 5 must dismiss an action if the court determines that it lacks subject matter jurisdiction. Because plaintiff, who is not a prisoner, is being granted leave to proceed in forma pauperis, the court will 6 7 screen the complaint pursuant to § 1915(e)(2). Pursuant to Rule 12(h), the court will also consider as a threshold matter whether it has subject-matter jurisdiction. 8

9 In this case, plaintiff alleges that defendants, who are parole agents in Butte 10 County or correctional officers at the Butte County Jail, violated his constitutional and statutory 11 rights by denying his adequate access for persons with hearing disabilities, failing to provide medical care, failing to provide replacement eyeglasses, using excessive force, and ignoring his 12 13 religious dietary requirements. The court concludes that it has subject matter jurisdiction and 14 that the complaint is appropriate for service by the United States Marshal without pre-payment of 15 costs. If plaintiff desires service of process by the United States Marshal without pre-payment of 16 costs, plaintiff must comply with the requirements outlined below. Plaintiff is warned that 17 failure to comply with this order, or otherwise effect service pursuant to Federal Rule of Civil Procedure 4, may result in dismissal of the action for lack of prosecution and failure to comply 18 19 with court rules and orders. See Local Rule 110.

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## Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is granted;

23 2. The Clerk of the Court shall issue a summons in a civil case, the
24 undersigned's new case documents, and an order setting this matter for an initial scheduling
25 conference;

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1	3. The Clerk of the Court shall send plaintiff the summons, three USM-285
2	forms, and a copy of the complaint;
3	4. Within 15 days from the date of this order, plaintiff shall complete the
4	summons by indicating the addresses of the named defendants and shall submit to the United
5	States Marshal at the address indicated below the following documents:
6	a. The completed summons;
7	b. One completed USM-285 form for each named defendant;
8	c. Four copies of the complaint; and
9 10	d. Three copies of the court's initial scheduling conference order issued herewith;
11	5. Within 20 days of the date of this order, plaintiff shall file a notice
12	indicating that the documents described above have been submitted to the United States Marshal,
13	or a notice that plaintiff intends to serve the summons and complaint without assistance from the
14	United States Marshal;
15	6. If plaintiff seeks the assistance of the United States Marshal, the United
16	States Marshal is directed to serve all process without pre-payment of costs not later than 60 days
17	from the date of this order, such service of process to be completed by serving a copy of the
18	summons, complaint, and initial scheduling conference order on the defendants at the addresses
19	provided by plaintiff; and
20	7. The Clerk of the Court is directed to serve a copy of this order on the
21	United States Marshal at 501 "I" Street, Sacramento, CA, 95814.
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23	DATED: July 11, 2018
24	CRAIG M. KELLISON
25	UNITED STATES MAGISTRATE JUDGE
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