

\*\*E-Filed 1/19/11\*\*

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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

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12 JOHNNY BROWNING,

13 Plaintiff,

14 v.

15 SUN RUN & SOLMENTUM,

16 Defendant.

Case Number 5:11-cv-00174 JF

ORDER<sup>1</sup> GRANTING APPLICATION  
TO PROCEED *IN FORMA PAUPERIS*

[Re: document 2]

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19 On January 12, 2011, Plaintiff filed the instant action, alleging that Defendant violated  
20 his rights under the Americans with Disabilities Act. A district court may authorize the  
21 commencement of a civil action *in forma pauperis* if the court is satisfied that the would-be  
22 plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1).  
23 However, “[a] district court may deny leave to proceed in forma pauperis at the outset if it  
24 appears from the face of the proposed complaint that the action is frivolous or without merit.”  
25 *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998) (internal citation and quotation  
26 marks omitted).

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28 <sup>1</sup> This disposition is not designated for publication and may not be cited.

1 Plaintiff has filed an affidavit stating that he has no resources. It is not clear from the  
2 face of the complaint that Plaintiff's claims lack merit. Accordingly, the application to proceed  
3 *in forma pauperis* is GRANTED. IT IS HEREBY ORDERED that the Clerk issue summons,  
4 and that the U.S. Marshal for the Northern District of California serve a copy of the complaint  
5 and this order upon Defendants..  
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8 DATED: 1/18/2011

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11 JEREMY FOGEL  
United States District Judge  
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1 Copies of this Order were mailed to the following persons:

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3 Plaintiff *pro se*:

4 Gary D Easley  
5 18525 Old Monterey Rd.  
6 Morgan Hill, CA 95037

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