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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BENJAMIN PENA,

vs.

CALIFORNIA COAST CREDIT UNION,

Plaintiff,

Defendant.

CASE NO. 10CV1061 DMS (WVG)

**ORDER GRANTING PLAINTIFF’S
MOTION TO PROCEED IN
FORMA PAUPERIS AND
DIRECTING SERVICE BY
UNITED STATES MARSHALL**

Plaintiff, a nonprisoner proceeding pro se, has filed a complaint alleging violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 et seq. Plaintiff has not paid the filing fee and has instead filed an application for leave to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a), a court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all his assets, showing that he is unable to pay filing fees. See 28 U.S.C. § 1915(a). Plaintiff has submitted an affidavit which sufficiently shows that he lacks the financial resources to pay filing fees. Accordingly, the Court grants Plaintiff’s motion to proceed *in forma pauperis*.

Any complaint filed pursuant to the IFP provisions of 28 U.S.C. § 1915(a) is subject to a mandatory and sua sponte review and dismissal by the Court, if it finds the Complaint is “frivolous, malicious, failing to state a claim upon which relief may be granted, or seeking monetary relief from a defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845,

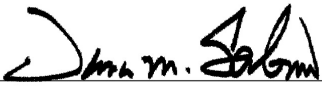
1 845 (9th Cir. 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”).
2 Here, the Court has conducted its initial review of Plaintiff’s Complaint, and finds it sufficient to
3 survive the screening provisions of § 1915(e)(2). Accordingly:

4 1. The United States Marshal shall serve a copy of the Complaint, summons and this
5 Order upon Defendants as directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall
6 be advanced by the United States.

7 2. Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon
8 Defendant’s counsel, a copy of every further pleading or other document submitted for consideration
9 of the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a
10 certificate stating the manner in which a true and correct copy of any document was served on the
11 Defendant or counsel of Defendant and the date of service. Any paper received by a district judge or
12 magistrate judge which has not been filed with the Clerk or which fails to include a Certificate of
13 Service will be disregarded.

14 **IT IS SO ORDERED.**

15 DATED: May 25, 2010

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18 HON. DANA M. SABRAW
19 United States District Judge
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