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8	UNITED STATES DISTRICT COURT	
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11 12	KENNETH PRETTYMAN, Plaintiff,	CASE NO. 11cv195 MMA (RBB) ORDER GRANTING MOTION TO
12	VS.	PROCEED IN FORMA PAUPERIS
13	CITY OF SAN DIEGO POLICE DEPT., et	[Doc. No. 2]
15	al., Defendants.	
16	Defendants.	
17	On January 31, 2011, Plaintiff Kenneth Prettyman filed a Complaint against the City of	
18	San Diego and Christopher Luth, alleging, inter alia, constitutional violations in connection with	
19	allegations of false arrest and imprisonment. [Doc. No. 1.] Presently before the Court is	
20	Plaintiff's Motion for Leave to Proceed in forma pauperis ("IFP"). [Doc. No. 2.] All parties	
21	instituting any civil action, suit or proceeding in a district court of the United States, except an	
22	application for writ of habeas corpus, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). An	
23	action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is	
24	granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). See Andrews v. Cervantes, 493	
25	F.3d 1047, 1051 (9th Cir. 2007).	
26	The Court has reviewed Plaintiff's affidavit of assets and finds the affidavit sufficiently	
27	shows that he is unable to pay the fees or post securities required to maintain this action. Plaintiff	
28	attests he only receives income from disability or w	vorker's compensation payments, and does not

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1	have any other checking, savings, money market or CD accounts. Therefore, the Court GRANTS	
2	Plaintiff's motion, and further finds that Plaintiff's Complaint is not subject to sua sponte	
3	dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B).	
4	Accordingly, the Court hereby ORDERS as follows:	
5	1. The Clerk of Court shall file the Complaint without prepayment of the filing fee.	
6	2. The Clerk shall issue a summons for Defendants City of San Diego Police Department	
7	and Christopher Luth, and forward it to Plaintiff.	
8	3. Plaintiff shall serve upon Defendants or, if appearance has been entered by counsel,	
9	upon Defendants' counsel, a copy of every pleading or other document submitted for consideration	
10	of the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a	
11	certificate stating the manner in which a true and correct copy of any document was served on	
12	Defendants or counsel of Defendants and the date of service. Any paper received by a district	
13	judge or magistrate judge which has not been filed with the Clerk or which fails to include a	
14	certificate of service will be disregarded by the Court.	
15	IT IS SO ORDERED.	
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16 17	DATED: May 17, 2011 Michael Tu - Chello	
17 18	Hon. Michael M. Anello	
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