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

DAVID GARLAND ATWOOD II,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 17cv1320-LAB (WVG)

**ORDER GRANTING MOTION TO  
PROCEED *IN FORMA PAUPERIS*;  
AND**

**ORDER REQUIRING PLAINTIFF TO  
FILE SUPPLEMENTAL BRIEFING**

Plaintiff David Garland Atwood II filed this action to compel this District's U.S. Probation Office to allow him to come to San Diego for medical treatment. Atwood is on federal supervised release in the District of Mississippi. According to his petition, the probation office in Mississippi, as well as the U.S. Attorney's office have approved Atwood's request, but the U.S. Probation Office in San Diego refuses to accept him.

Atwood filed a motion to proceed *in forma pauperis*. The Court finds he lacks the funds to pay the required filing fee, and **GRANTS** the motion. Before ordering service of a complaint filed by a plaintiff proceeding *in forma pauperis*, the Court is required to screen the pleading *sua sponte*. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc).

Atwood's petition does not give enough information, and in its present condition it would not survive the mandatory screening. Even though the local probation office won't

1 accept Atwood, it isn't clear why he can't travel to San Diego temporarily for treatment, with  
2 the approval of his local probation office.

3 Atwood is therefore **ORDERED** to file a supplemental memorandum, giving details  
4 about the expected schedule of his course of treatment, and explaining whether it is feasible  
5 for him to remain under the supervision of the probation department in Mississippi while  
6 undergoing surgery and treatment. For example, he should explain how long the surgery,  
7 treatment, and recovery time are expected to last; how soon he could travel back to  
8 Mississippi; and how long he would be required to stay in San Diego. If the treatment would  
9 occur over time, he should explain whether he could travel back and forth between  
10 Mississippi and San Diego between treatments. He should explain whether his local  
11 probation office is willing to allow him to come to San Diego temporarily, without transferring  
12 his supervised release to this District, while he undergoes surgery and treatment. He should  
13 also provide any other pertinent details explaining why there is no feasible alternative to the  
14 relief he seeks. Atwood should file the memorandum as soon as he can, but not later than  
15 **35 calendar days from the date this order is issued.** It should not be longer than seven  
16 pages, not counting any attached material.

17 Assuming Atwood's memorandum provides the necessary information, the Court will  
18 conduct the mandatory screening under § 1915(e)(2)(B).

19 **IT IS SO ORDERED.**

20 DATED: July 3, 2017

21   
22 **HONORABLE LARRY ALAN BURNS**  
23 United States District Judge

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