

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WILLIAM LOUIS PARR,)
)
Plaintiff,)
)
vs.)
)
BOARD OF TRUSTEES FOR THE)
TWIN FALLS PUBLIC LIBRARY,)
)
Defendants.)
_____)

Case No. CV06-204-S-MHW

INITIAL REVIEW ORDER

The Clerk of Court previously conditionally filed Plaintiff’s Complaint, subject to review by the Court to determine whether Plaintiff is entitled to proceed in forma pauperis and whether the Complaint is subject to summary dismissal under 28 U.S.C. §§ 1915(e)(2). Having reviewed the record, and otherwise being fully informed, the Court enters the following Order.

INITIAL REVIEW ORDER 1

I.

**REVIEW OF COMPLAINT AND
MOTION TO PROCEED IN FORMA PAUPERIS**

A. Standard of Law

The Court is required to review in forma pauperis complaints seeking relief against a governmental entity or an officer or employee of a governmental entity to determine whether summary dismissal is appropriate. 28 U.S.C. § 1915. The Court must dismiss a complaint or any portion thereof which states a claim that is frivolous or malicious, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

B. Discussion

Plaintiff, a person who recently was released from prison, asserts that the library denied him access to the courts by failing to allow him to use their computer systems to prepare pleadings and papers for his litigation.

Plaintiff admits he has suffered no injury. As a result, he has not asserted a viable access to the courts claim. *Lewis v. Casey*, 518 U.S. 343 (1996). Therefore, Plaintiff's case is subject to dismissal.

Plaintiff may file a notice of voluntary dismissal within the next thirty (30) days. Otherwise, if Plaintiff wishes to proceed in the district court, the Court will grant the in forma pauperis request, which will require Plaintiff to pay \$10.00 per month until the \$350.00 (new) filing fee is paid in full, and it will reassign the case to a district court to

consider whether Plaintiff's case should be dismissed.

II.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Plaintiff may file a notice of voluntary dismissal within the next thirty (30) days, or he shall be required to pay the filing fee of \$350.00 in increments of \$10.00 per month and his case shall be reassigned to the district court to consider dismissal.



DATED: **May 26, 2006**

A handwritten signature in black ink, appearing to read "Mikel H. Williams". The signature is written in a cursive, flowing style.

Honorable Mikel H. Williams
United States Magistrate Judge