

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATALIE A. MATHER,

8:15CV104

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

RAYMOND MATHER,

Defendant.

Plaintiff Natalie Mather filed her Complaint (Filing No. [1](#)) and Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) in this matter on March 26, 2015. The court finds that Plaintiff is financially eligible to proceed in forma pauperis. As such, the court has conducted an initial review of the Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#).¹

Here, Plaintiff alleges state-law tort claims against Defendant. Subject matter jurisdiction appears to be proper pursuant to [28 U.S.C. § 1332](#) because the citizenship of Plaintiff is different from the citizenship of Defendant. In addition, the amount in controversy is greater than \$75,000. Accordingly, the court will allow this matter to proceed to service of process. Plaintiff is cautioned that this is only a preliminary determination based on the allegations set forth in the Complaint. It is not a determination of the merits of her claims or a decision with respect to any defenses that may be raised in response to her Complaint.

¹The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. See [28 U.S.C. § 1915\(e\)](#). The court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, 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\(e\)\(2\)\(B\)](#).

Because Plaintiff is proceeding in forma pauperis in this matter, she is entitled to rely on service by the United States Marshals Service. See [*Wright v. First Student, Inc.*, 710 F.3d 782, 783 \(8th Cir. 2013\)](#). Plaintiff has provided the necessary information for service on Defendant. Therefore, the court will direct the clerk of the court to complete the summons form and forward it to the United States Marshals Service for service of process on Defendant.

IT IS THEREFORE ORDERED that:

1. This matter may proceed to service of process.
2. The clerk of the court is directed to complete and sign a summons form and USM 285 Form using the information provided in the Complaint and forward them to the United States Marshals Service for service on Defendant, together with a copy of the Complaint. Service may be by certified mail pursuant to Federal Rule of Civil Procedure 4 and Nebraska law in the discretion of the Marshal.

DATED this 27th day of March, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.