

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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GILBERTO ENCARNACION,

Plaintiff,

v.

CAMDEN COUNTY JAIL,

Defendant.

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HONORABLE JEROME B. SIMANDLE

Civil Action

No. 16-cv-06144 (JBS-AMD)

**MEMORANDUM OPINION AND ORDER**

1. This matter is before the Court on Plaintiff's Complaint (Docket Entry 1), filed on September 29, 2016, seeking to bring a claim against the Camden County Jail. This Court granted Plaintiff's application to proceed *in forma pauperis* on October 17, 2016 (Docket Entry 2).

2. Section 1915(e)(2) requires a court to review complaints prior to service in cases in which a plaintiff is proceeding *in forma pauperis*. The Court must *sua sponte* dismiss any claim that is frivolous, is malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. This action is subject to *sua sponte* screening for dismissal under 28 U.S.C. § 1915(e)(2)(B) because Plaintiff is proceeding *in forma pauperis*.

3. The pertinent sections of the Complaint are written in Spanish. No translation of the Complaint has been provided. The

Court is therefore unable to conduct its review of the Complaint pursuant to § 1915.

4. In order to facilitate the Court's review, Plaintiff is requested to file either (1) an amended complaint written in English, or (2) an English translation of the Complaint. See, e.g., *Court of Common Pleas v. Kelly*, 417 F. App'x 126, 128 (3d Cir. 2011) (District Court should request a translation or clarification of a complaint before taking final action). Accordingly,

IT IS this 29th day of June, 2017, hereby

**ORDERED** that Plaintiff shall file either an amended complaint written in English or an English translation of the original complaint within thirty (30) days of the date of this Order; and it is further

**ORDERED** that the Clerk of the Court shall send Plaintiff a copy of this Order via regular mail and shall **ADMINISTRATIVELY TERMINATE** this matter. The Court will reopen this matter if Plaintiff files an amended complaint in English or an English translation within thirty (30) days of the date of this Order.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
U.S. District Judge