

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

GLEN A. HESS,	:	Case No. 3:13-CV-312
Plaintiff,	:	District Judge Walter H. Rice
v.	:	Magistrate Judge Michael J. Newman
CITY OF HUBER HEIGHTS MUNICIPALITY, <i>et al.</i> ,	:	
Defendants.	:	

---



---

**ORDER REGARDING SERVICE OF PROCESS**

---



---

The Court granted Plaintiff's motion for leave to proceed *in forma pauperis*, on September 20, 2013, and stayed service pending its § 1915 review.

Pursuant to § 1915, the Court may dismiss a complaint upon finding (1) the claims are frivolous or malicious; (2) the complaint fails to state a claim upon which relief may be granted; or (3) Plaintiff seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). It is appropriate for the Court to conduct this review *sua sponte* prior to issuance of process "so as to spare prospective defendants the inconvenience and expense of answering such complaints." *Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

Having conducted this § 1915 review, the Court finds, at this early juncture in the litigation, that dismissal of Plaintiff's complaint is not warranted. Accordingly, and having been advised by the Clerk of Courts that Plaintiff has already submitted the necessary service forms, the United States Marshal is **ORDERED** to make service of process in this case under Fed. R. Civ. P. 4(c)(3). All costs of service shall be advanced by the United States.

**IT IS SO ORDERED.**

September 23, 2013

s/**Michael J. Newman**  
United States Magistrate Judge