

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOSHUA K. SANDER,

Plaintiff,

Case No.: 3:18-cv-102

vs.

SHERIFF DAVE DUCHAK, *et al.*,

District Judge Walter H. Rice

Magistrate Judge Michael J. Newman

Defendants.

ORDER U.S. MARSHAL TO SERVE DEFENDANTS WITH PROCESS

Now before the Court is a *pro se* complaint and accompanying application to proceed *in forma pauperis*. Doc. 1. For good cause shown, *pro se* Plaintiff's application to proceed without payment of costs and fees was granted. Doc. 2.

Pursuant to § 1915, the Court may dismiss a complaint upon finding (1) the claims are frivolous or malicious; (2) it fails to state a claim upon which relief may be granted; or (3) it 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 initial review, the Court finds that dismissal under 28 U.S.C. § 1915 is not warranted at this stage of the litigation.

The U.S. Marshal is **ORDERED** to serve Defendants with process.

IT IS SO ORDERED.

Date: April 9, 2018

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