

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL RICHARDSON,
Plaintiff,
v.
JEFFERSON SESSIONS, in his official
capacity, and XAVIER BECERRA, in his
official capacity,
Defendants.

No. 2:17-cv-01838 JAM AC (PS)

ORDER

Plaintiff is proceeding in this action pro se, and the action was accordingly referred to the undersigned for pretrial proceedings by E.D. Cal. R. (“Local Rule”) 302(c)(21).

Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis (“IFP”). Plaintiff has submitted the affidavit required by Section 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. ECF No. 2. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

I. SCREENING

Granting IFP status does not end the court’s inquiry, however. The federal IFP statute requires federal courts to dismiss a case if the action is legally “frivolous or 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. 28 U.S.C. § 1915(e)(2). The court finds that, for screening purposes

1 only, plaintiff's claims are sufficiently cognizable.

2 II. CONCLUSION

3 For the reasons stated above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2), is GRANTED.

5 2. Service is appropriate for the following defendants:

- 6 ○ Jefferson Sessions
- 7 ○ Xavier Becerra

8 3. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed
9 to serve within ninety days of the date of this order, all process pursuant to Federal Rule of Civil
10 Procedure 4, without prepayment of costs.

11 4. The Clerk of the Court shall send plaintiff the above: one USM-285, one summons, a
12 copy of the complaint, and an appropriate form for consent to trial by a magistrate judge.

13 5. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date this order
14 is filed, all information needed by the Marshal to effect service of process, and shall promptly file
15 a statement with the court that said documents have been submitted to the United States Marshal.

16 The court anticipates that, to effect service, the U.S. Marshal will require, for each defendant in
17 ¶ 3, above, at least:

- 18 a. One completed summons;
- 19 b. One completed USM-285 form;
- 20 c. One copy of the endorsed filed complaint, with an extra copy for the U.S.
21 Marshal;
- 22 d. One copy of the instant order; and
- 23 e. An appropriate form for consent to trial by a magistrate judge.

24 6. In the event the U.S. Marshal is unable, for any reason whatsoever, to effect service on
25 any defendant within 90 days from the date of this order, the Marshal is directed to report that
26 fact, and the reasons for it, to the undersigned.

27 7. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,
28 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Failure to comply with this order may result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

DATED: September 13, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE