



Fitch v. Galland et al

2016 | Cited 0 times | E.D. California | April 13, 2016

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Plaintiff Joey Fitch initiated this action by filing a complaint and motion to proceed in forma pauperis. (Docs. 1, 2) The Court may authorize the commencement of an action without prepayment a person who submits an affidavit that includes a statement of all assets such person . . . 1915(a). The Court has reviewed the motion and finds Plaintiff satisfies the requirements of 28 U.S.C.

§ 1915(a).

When, as here, an individual seeks to proceed in forma pauperis, the Court is required to review

fails to state a claim upon which relief may be granted; or . . . seeks monetary relief from a defendant JOEY FITCH, Plaintiff, v. JOSEPH GALLAND, Defendant.

Case No.: 1:16-cv-00489 - DAD - JLT ORDER GRANTING PLAINTIFF MOTION TO PROCEED IN FORMA PAUPERIS (Doc. 2) ORDER DIRECTING CLERK TO ISSUE NEW CASE DOCUMENTS ORDER DIRECTING PLAINTIFF TO COMPLETE THE SERVICE DOCUMENTS

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alleged rise to the level of the irrational or the wholly incredible, whether or Denton v. Hernandez, 504 U.S. 25, 32-33 (1992). Thus, the Court has reviewed the allegations of the Complaint, and finds the allegations presented are not futile.

Accordingly, the Court ORDERS: 1. Plaintiff motion to proceed in forma pauperis is GRANTED; 2. The Clerk of Court is DIRECTED to issue summons as to the defendant, Joseph

Galland; 3. The Clerk of Court is DIRECTED to serve Plaintiff with New Civil Case Documents,

USM-285 Forms, a Notice of Submission of Documents form, an instruction sheet, and a copy of the Complaint; 4. Within thirty days from the date of this order, Plaintiff SHALL complete the attached



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Notice of Submission of Documents and submit the completed Notice to the Court with the following documents: a. A completed USM-285 form for the defendant; and b. Four copies of the complaint filed on April 7, 2016. 5. Plaintiff need not attempt service on the defendants and need not request waiver of

service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the defendant pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED. Dated: April 12, 2016 /s/ Jennifer L. Thurston UNITED STATES
MAGISTRATE JUDGE

