

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cordero Anthony Marin v. City of McFarland, et al.

Marin v. City of McFarland · No. 1:25-cv-00483-CDB · Decided April 29, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Cordero Anthony Marin's application to proceed in forma pauperis under 28 U.S.C. § 1915(a). The court notes that the pro se complaint will be screened under 28 U.S.C. § 1915(e)(2) and explains that service materials may be provided if appropriate after screening.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	1:25-cv-00483-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil action and moved to proceed in forma pauperis without prepaying the filing fee. The district court considered the application before screening the complaint.
STANDARD OF REVIEW	The court reviewed the in forma pauperis application under 28 U.S.C. § 1915(a) and noted that a complaint filed by a person proceeding in forma pauperis must be screened under 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- pleadings
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

- Whether Plaintiff satisfied the requirements to commence the action without prepayment of the filing fee under 28 U.S.C. § 1915(a).

2. Whether the complaint should be screened immediately under 28 U.S.C. § 1915(e)(2) before the court ruled on the in forma pauperis application.

HOLDINGS

1. Plaintiff satisfied the requirements of 28 U.S.C. § 1915(a), and his application to proceed in forma pauperis was granted.
2. A complaint filed by a plaintiff proceeding in forma pauperis is subject to initial screening under 28 U.S.C. § 1915(e)(2) for frivolousness, maliciousness, failure to state a claim, or claims seeking relief from an immune defendant.

KEY QUOTATIONS

“The Court must dismiss a complaint, or portion thereof, if the Court determines that the complaint 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.” (at 1)

FACTUAL BACKGROUND

Cordero Anthony Marin filed a civil action against the City of McFarland and other defendants. He had not paid the \$405 filing fee and submitted an application stating that he was unable to pay the fee. The court reviewed the application and found the statutory requirements for proceeding in forma pauperis satisfied.

PROCEDURAL HISTORY

Plaintiff filed the action on April 28, 2025, without paying the \$405 filing fee, and submitted an application to proceed in forma pauperis. The court granted the application and stated that the complaint would be screened in due course under 28 U.S.C. § 1915(e)(2).

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)

OPINION

Martin v. City of McFarland

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 CORDERO ANTHONY MARIN, Case No. 1:25-cv-00483-CDB 12 Plaintiff, ORDER
GRANTING PLAINTIFF’S

MOTION TO PROCEED IN FORMA

13 v. PAUPERIS

14 CITY OF MCFARLAND, et al., (Doc. 2) 15 Defendants. 16 17 18 Plaintiff Cordero Anthony
Marin (“Plaintiff”), proceeding pro se, filed this civil action on
19 April 28, 2025. (Doc. 1). Plaintiff has not paid the \$405.00 filing fee and submitted a motion to
20 proceed in forma pauperis. (Doc. 2). 21 The Court may authorize the commencement of an
action without prepayment of fees “by 22 a person who submits an affidavit that includes a
statement of all assets such [person] possesses 23 [and] that the person is unable to pay such fees
or give security therefor.” 28 U.S.C. § 1915(a). 24 Here, the Court has reviewed Plaintiff’s
application (Doc. 2) and finds the requirements of 28 25 U.S.C. § 1915(a) are satisfied. 26 As to
the status of Plaintiff’s complaint, pursuant to 28 U.S.C. § 1915(e)(2), the Court is 27 authorized
to conduct an initial review of all pro se complaints where the plaintiff proceeds in 28 forma
pauperis to determine whether the complaint is legally sufficient under the applicable 1 || pleading
standards. See *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“section 1915(e) 2 || applies to
all in forma pauperis complaints, not just those filed by prisoners”). The Court must 3 | dismiss a
complaint, or portion thereof, if the Court determines that the complaint is legally 4 | frivolous or
malicious, fails to state a claim upon which relief may be granted, or seeks monetary 5 || relief
from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the Court 6 |
determines that the complaint fails to state a claim, leave to amend may be granted to the extent 7
|| that the deficiencies in the complaint can be cured by amendment. 8 Plaintiffs complaint will be
screened in due course. Given the tremendous case backlog 9 | experienced by all judges in the
Eastern District of California, delays are inevitable. If 10 || appropriate after the case has been
screened, the Clerk of the Court will provide Plaintiff with the 11 || requisite forms and
instructions to request the assistance of the United States Marshal in serving 12 || Defendants
pursuant to Federal Rule of Civil Procedure 4. 13 | Conclusion and Order 14 Based on the
foregoing and good cause appearing, IT IS HEREBY ORDERED that 15 || Plaintiff's application
to proceed in forma pauperis (Doc. 2) is GRANTED. Plaintiff's complaint 16 || will be screened in
due course. 17 | ITIS SO ORDERED. 'S | Dated: _ April 29, 2025 | hr

19 UNITED STATES MAGISTRATE JUDGE

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