

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PRECEDENTIAL VALUE	nonprecedential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 procedurepleadingssection 1983

PRACTICE AREAS

civil procedurecivil 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)