

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hassaun Haygood v. Danny Chavez

No. 1:25-cv-01837-SAB (PC) · No. No. 1:25-cv-01837-SAB (PC) · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California grants pro se plaintiff Hassaun Haygood’s application to proceed in forma pauperis in a 42 U.S.C. § 1983 action against Danny Chavez. The court states that it will screen the complaint under 28 U.S.C. § 1915(e)(2) before issuing summons or requiring the defendant to respond.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	No. 1:25-cv-01837-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The district court considered the application before screening the complaint.
STANDARD OF REVIEW	The court considered the in forma pauperis application based on the information provided and applied the mandatory screening requirements of 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	unknown

TOPICS

- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated entitlement to proceed in forma pauperis.
2. Whether summons and service should issue before the court completes screening of the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. Plaintiff's application to proceed in forma pauperis is granted because the information provided demonstrates entitlement to proceed without prepayment of fees.
2. No summons shall issue and service shall not be undertaken until the court completes its screening of the complaint under 28 U.S.C. § 1915(e)(2).

KEY QUOTATIONS

“The Court shall exercise its discretion complaint in this action to determine if it “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”” (at 1)

“No summons shall issue in this action until the Court issues its screening order pursuant to 28 U.S.C. § 1915(e)(2).” (at 2)

FACTUAL BACKGROUND

Hassaun Haygood, proceeding pro se, filed a civil-rights action against Danny Chavez under 42 U.S.C. § 1983. Haygood submitted an application to proceed without prepaying filing fees. The court found that the information provided demonstrated entitlement to proceed in forma pauperis.

PROCEDURAL HISTORY

Plaintiff filed the complaint on December 12, 2025, together with an application to proceed in forma pauperis. The court granted the application but ordered that no summons issue and that service be delayed until the court completes its sua sponte screening under 28 U.S.C. § 1915(e)(2).

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000)
- Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Ross v. Padres LP, No. 17-CV-1676 JLS (JLB), 2018 WL 280026, at *2 (S.D. Cal. Jan. 3, 2018)
- Rosiere v. United States, No. 217CV02468APGPAL, 2018 WL 7357399, at *1 (D. Nev. Sept. 10, 2018)

OPINION

Chavez

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 HASSAUN HAYGOOD, No. 1:25-cv-01837-SAB (PC)

12 Plaintiff, ORDER GRANTING PLAINTIFF'S

APPLICATION TO PROCEED IN FORMA

13 v. PAUPERIS

14 DANNY CHAVEZ, (ECF No. 2)

15 Defendant. 16

17 Plaintiff is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. 18
Plaintiff filed the instant complaint on December 12, 2025, along with a motion to 19 proceed in
forma pauperis. (ECF Nos. 1, 2.) In consideration of the information provided, the 20 Court finds
Plaintiff's application demonstrates entitlement to proceed without prepayment of 21 fees. 22
"Notwithstanding any filing fee . . . the court shall dismiss a case if at any time if the Court 23
determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which
24 relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from
such 25 relief." 28 U.S.C. § 1915(e)(2). "Section 1915(e) applies to all in forma pauperis
complaints, not 26 just those filed by prisoners." *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir.
2000); see also 27 *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001) ("the provisions of 28 U.S.C. §
1915(e)(2)(B) are 28 1 not limited to prisoners," and dismissal required of in forma pauperis
proceedings which seek 2 monetary relief from immune defendants); *Cato v. United States*, 70
F.3d 1103, 1106 (9th Cir. 3 1995) (Section 1915 "authorizes a court to review a complaint that has
been filed in forma 4 pauperis, without paying fees and costs, on its own initiative and to decide
whether the action has 5 an arguable basis in law before permitting it to proceed.").1 The Court
shall exercise its discretion 6 complaint in this action to determine if it "(i) is frivolous or
malicious; (ii) fails to state a claim on 7 which relief may be granted; or (iii) seeks monetary relief
against a defendant who is immune from 8 such relief." 28 U.S.C. § 1915(e)(2). 9 Therefore,
notwithstanding this order, the Court does not direct that summonses issue or 10 service be
undertaken until the Court screens the complaint in due course and issues its screening 11 order.
See *Ross v. Padres LP*, No. 17-CV-1676 JLS (JLB), 2018 WL 280026, at *2 (S.D. Cal. Jan. 12 3,
2018) ("28 U.S.C. § 1915(e)(2) mandates that the court reviewing an action filed pursuant to the
13 IFP provisions of § 1915 make and rule on its own motion to dismiss before directing the
Marshal 14 to effect service."); *Rosiere v. United States*, No. 217CV02468APGPAL, 2018 WL
7357399, at *1 15 (D. Nev. Sept. 10, 2018) ("Pursuant to § 1915(e), federal courts may screen any
IFP complaint— 16 without regard to prisoner status—before allowing the case to move forward,

issuing summons, 17 and requiring an answer or responsive pleading.”), report and recommendation adopted, No. 18 217CV02468APGPAL, 2019 WL 690351 (D. Nev. Feb. 19, 2019). Defendant is not required to 19 file an answer or other pleading in response to Plaintiff’s complaint until after the Court has 20 completed its sua sponte screening process to determine whether Plaintiff states any cognizable 21 claims. 22 /// 23 /// 24 /// 25 /// 26 27 1 Cato, 70 F.3d at 1106, cited to the previous version of 18 U.S.C. § 1915(d), prior to amendment in 1996, which read in relevant part that the court “may dismiss the case . . . if satisfied that the action is frivolous or malicious.” 18 28 U.S.C. § 1915(d) (1995). 1 Accordingly, IT IS HEREBY ORDERED that: 2 1. Plaintiff’s motion to proceed in forma pauperis, (ECF No. 2), is GRANTED; and 3 2. No summons shall issue in this action until the Court issues its screening order 4 pursuant to 28 U.S.C. § 1915(e)(2). 5

6 IT IS SO ORDERED. FA. Be

7 | Dated: _ December 15, 2025 ;

STANLEY A. BOONE

8 United States Magistrate Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28