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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,

Plaintiff,

v.

P. ROBERTS,

Defendant.

CASE NO. 1:06-cv-00407-AWI-YNP PC

ORDER DENYING MOTIONS

(Doc. 36, 43)

Plaintiff Kevin E. Fields ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 30, 2009, Plaintiff filed a motion to disqualify U.S. Magistrate Judge William M. Wunderlich from presiding over this case. (Doc. #36.) Judge Wunderlich has since retired and this case was reassigned to U.S. Magistrate Judge Gary S. Austin. Therefore, Plaintiff's motion will be denied as moot.

Plaintiff has also filed a motion requesting that the Court screen Plaintiff's Fourth Amended Complaint. The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Because the Court is statutorily required to screen complaints brought by prisoners, the Court will grant Plaintiff's motion. However, the Court advises Plaintiff that, given the statutory screening requirement, it is unnecessary to formally request screening via motion. There are many prisoner cases before the Court, and the Court will screen Plaintiff's fourth amended complaint in due course.

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Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's motion requesting the disqualification of U.S. Magistrate Judge William M. Wunderlich, filed on March 30, 2009, is DENIED; and
2. Plaintiff's motion requesting the Court to screen Plaintiff's Fourth Amended Complaint is GRANTED.

IT IS SO ORDERED.

Dated: February 1, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE