UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HOWARD YOUNG,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

Defendants.

/

1:07-cv-01121-GSA-PC

ORDER DENYING PLAINTIFF'S MOTION FOR SERVICE OF PROCESS AS PREMATURE

(Doc. 22.)

Howard Young ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 2, 2007. (Doc. 1.) On August 31, 2007, plaintiff filed an amended complaint. (Doc. 9.) The Court screened the amended complaint pursuant to 28 U.S.C. 1915A and issued an order on March 5, 2009, giving plaintiff the choice to either file a second amended complaint, or in the alternative, to proceed on the claims found cognizable by the Court. (Doc. 19.) On March 18, 2009, plaintiff filed objections to the court's March 5, 2009 order. (Doc. 20.) On April 1, 2009, plaintiff filed a motion for the Court to order service of process upon all of the defendants in this action, plus additional defendants named by plaintiff in the motion. (Doc. 22.)

At this stage of the proceedings, service of process is premature. Before ordering service, the Court is required to screen complaints brought by prisoners seeking relief against a

governmental entity or officer or employee of a governmental entity and determine which claims are cognizable. 28 U.S.C. § 1915A(a). In this action, the Court screened plaintiff's amended complaint and gave plaintiff the choice to either file a second amended complaint, or in the alternative, to proceed on the claims found cognizable by the Court. To date, plaintiff has not notified the Court of his choice. As a result, there is no complaint in this action appropriate for service, and plaintiff's request for service is premature.

Based on the foregoing, IT IS HEREBY ORDERED that plaintiff's motion for service of process is DENIED without prejudice as premature.

IT IS SO ORDERED.

Dated: **April 3, 2009** **/s/ Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE