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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRYL KEITH AGGERS,

1:07-cv-01701-AWI-GSA-PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION
FOR ISSUANCE OF SERVICE DOCUMENTS
(Doc. 12.)

v.

TYSON, et al.,

Defendants.

_____ /
Darryl Keith Aggers (“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 in the Central District of California on October 11, 2007. The case was transferred to the Fresno Division of the Eastern District of California on November 27, 2007. On June 4, 2009, the Court dismissed Plaintiff’s complaint with leave to amend. (Doc. 14.) On July 10, 2009, Plaintiff filed an amended complaint, upon which this case now proceeds. (Doc. 15.)

On November 17, 2008, Plaintiff filed a request for the Court to issue civil summonses, to initiate service in this action. (Doc. 12.) It is not time for service in this action. 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). With respect to service, the court will, *sua sponte*, direct the United States Marshal to serve the amended complaint only after

1 the court has screened the amended complaint and determined that it contains cognizable claims
2 for relief against the named defendants. Therefore, the Court will not issue summonses until a
3 later time in the proceedings.

4 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for issuance
5 of service documents is DENIED.

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7 IT IS SO ORDERED.

8 **Dated: July 28, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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