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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT MCDANIEL,  
  
Plaintiff,  
  
W. RIEDEL, et al.,  
  
Defendants.

CASE NO. 1:09-cv-00437 AWI DLB PC  
  
ORDER DENYING PLAINTIFF’S  
MOTION FOR SERVICE OF COMPLAINT  
  
(Doc. 9)

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Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint upon which this action proceeds on March 9, 2009, and the court granted plaintiff leave to proceed in forma pauperis on March 12, 2009. Now pending before the court is plaintiff’s motion for an order directing service of the complaint upon defendants. (Doc. 9).

Plaintiff is advised that 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). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). "Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii).

1           The court will direct the United States Marshal to serve the complaint only after it has  
2 determined that the complaint contains cognizable claims for relief against the named defendants. The  
3 court has not yet screened plaintiff's complaint, but will do so in due course. Until the court has  
4 screened the complaint, any request for forms or for service by the Marshal is premature and will be  
5 denied.

6           Accordingly, it is HEREBY ORDERED that plaintiff's request is DENIED.

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8           IT IS SO ORDERED.

9           **Dated: April 13, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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