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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLARD WILLIAMS

Plaintiff,

v.

M. GONZALES, et al.,

Defendants.

1:09-cv-01256-OWW-JLT

ORDER VACATING HEARING SET FOR  
SEPTEMBER 27, 2010 IN ORDER TO  
PERMIT SCREENING PURSUANT TO  
28 U.S.C. § 1915A

Plaintiff Willard Williams ("Plaintiff") is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983 against prison medical staff and the County of Los Angeles ("Defendants"). (See Doc. 1). Plaintiff asserts, *inter alia*, that he has been denied access to adequate medical care while incarcerated in violation of his rights under the Eighth Amendment to the United States Constitution. (Id.).

On June 28, 2010, Defendants filed a Motion to Dismiss the complaint as well as a Motion to Strike certain claims from the complaint. (Docs. 16, 18). Plaintiff filed opposition to Defendants' motions on September 10, 2010. (Doc. 24). Defendant's filed a rely on September 17, 2010. (Doc. 25).

A complaint filed by a prisoner seeking redress from a governmental agency must be screened as soon as practicable. 28

1 U.S.C. § 1915A (2010). Section 1915A provides, in pertinent part:

2 (a) Screening. The court shall review, before docketing,  
3 if feasible or, in any event, as soon as practicable  
4 after docketing, a complaint in a civil action in which  
a prisoner seeks redress from a governmental entity or  
officer or employee of a governmental entity.

5 (b) Grounds for dismissal. On review, the court shall  
6 identify cognizable claims or dismiss the complaint, or  
any portion of the complaint, if the complaint--

7 (1) is frivolous, malicious, or fails to state a claim  
upon which relief may be granted; or

8 (2) seeks monetary relief from a defendant who is  
immune from such relief.

9 *Id.* In the instant case, summons were issued to Defendants before  
10 Plaintiff's complaint was screened. Therefore, Defendants' Motion  
11 to Dismiss is DENIED WITHOUT PREJUDICE so that the court may  
12 complete the screening process. *Id.*; E.D. Cal. R. 302(c)(17).

13 Accordingly, the hearing on Defendants' Motion to Dismiss and  
14 Motion to Strike set for September 27, 2010 before the undersigned  
15 is hereby VACATED.

16 IT IS SO ORDERED.

17 **Dated: September 22, 2010**

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE