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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONEY LYNCH,

1:09-cv-02097-AWI-GSA-PC

Plaintiff,

ORDER DENYING MOTION FOR SERVICE
AS PREMATURE

v.

(Doc. 11.)

WARDEN OF PLEASANT VALLEY
STATE PRISON, et al.,

Defendants.

Anthony Lynch (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 2, 2009. (Doc. 1.) On January 3, 2011, Plaintiff filed a motion for the court to direct the Marshal to serve process in this action. (Doc. 11.)

The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity, such as the instant action brought pursuant to 42 U.S.C. § 1983. 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).

With respect to service, the court will, *sua sponte*, direct the United States Marshal to serve the complaint only after the court has completed the screening process and determined that

1 the complaint contains cognizable claims for relief against the named defendants. In this case,
2 the court screened the Complaint pursuant to § 1915A and entered an order on April 14, 2011,
3 dismissing the Complaint for failure to state a claim, with leave to amend. (Doc. 13.) Plaintiff
4 has not yet filed an amended complaint. Therefore, the screening process is not completed, and
5 Plaintiff's motion for service is premature and shall be denied.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for service, filed on
7 January 3, 2011, is DENIED as premature.

8
9 IT IS SO ORDERED.

10 **Dated: July 19, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE