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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM SUTHERLAND,

1:09-cv-02152-LJO-GSA-PC

Plaintiff,

ORDER DENYING MOTION FOR  
IMMEDIATE SERVICE

v.

(Doc. 11.)

JAMES A. YATES, et al.,

Defendants.

William Sutherland (“Plaintiff”) is a state prisoneris proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the instant action on December 11, 2009. On June 11, 2010, Plaintiff filed a motion for the court to direct the United States Marshal to serve process in this action.

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 screened the complaint and determined that it

1 contains cognizable claims for relief against the named defendants. As the court has yet to  
2 screen plaintiff's complaint, plaintiff's request for service is premature.

3 Plaintiff is further informed that the court has hundreds of prisoner civil rights cases  
4 pending before it and which were filed before plaintiff's case. The court screens the cases in the  
5 order in which they are filed. Because of the large volume of cases, an inmate can experience  
6 delay in resolution of his case. Plaintiff can rest assured that should his address with the court  
7 remain current, he will receive all orders issued in his case.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for immediate service is  
9 DENIED.

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11 IT IS SO ORDERED.

12 **Dated: June 14, 2010**

**/s/ Gary S. Austin**  
13 UNITED STATES MAGISTRATE JUDGE  
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