

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCIS W. DAVIS,

Plaintiff,

v.

LLOYD, et al.,

Defendants.

CASE NO. 1:10-cv-495-AWI-MJS (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR SCREENING

(ECF No. 11)

_____ /

Plaintiff Francis W. Davis ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

Before the Court is Plaintiff's motion for a findings and recommendation, filed on November 9, 2011. (ECF No. 11.) Since Plaintiff filed this motion, the Court screened Plaintiff's Complaint (ECF No. 12) and gave him leave to amend, and Plaintiff has since filed an Amended Complaint (ECF No. 15). Plaintiff's Amended Complaint is now awaiting further screening.

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). The Court will direct the United States Marshal to serve Plaintiff's Complaint only after the Court has screened the Complaint and

1 determined that it contains cognizable claims for relief against the named Defendants.

2 The Court is aware of Plaintiff's action and his Amended Complaint is in line for
3 screening. However, the Court has a large number of prisoner civil rights cases pending
4 before it and will screen Plaintiff's Amended Complaint in due course. Until such time as
5 the Court has screened Plaintiff's Amended Complaint, no further action is required.

6 Accordingly, Plaintiff's motion for a findings and recommendation (ECF No. 11) is
7 DENIED.

8 IT IS SO ORDERED.

9 Dated: March 14, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28