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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM DOUGLAS MELLO,

Plaintiff,

v.

FRED AGUIAR, et al.,

Defendants.

CASE NO. 1:10-cv-828-OWW-MJS (PC)

ORDER DENYING MOTION TO
REDESIGNATE CASE

(ECF No. 10)

_____ /

Plaintiff William Douglas Mello (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil action currently designated as a 550 - prisoner civil rights action. Before the Court is Plaintiff’s “Actual and Constructive Notice’ Requesting Court to Take Judicial Notice of the Reclarification of the Nature of this Court and its Proper Classification Status.” (ECF No. 10.) Plaintiff contends that his case should be redesignated as a RICO action and “be processed Immediately due to the seriousness of the nature of this complaint.” Plaintiff appears to contend that the case should not be screened by the Court and that the Marshal should effect service immediately.

Plaintiff apparently believes that the Court is only required to screen cases brought pursuant to 42 U.S.C. § 1983. However, the Court is required to screen any “complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a). Plaintiff is a prisoner, and Defendants are all employees at various prison facilities in California. Thus, even if the Court were to redesignate Plaintiff’s Amended Complaint as a RICO action, it would still

1 be required to screen the Amended Complaint before ordering service.

2 Additionally, Plaintiff's Amended Complaint states that he is bringing his claims "for
3 injury/damages (in the nature of) (42 U.S.C. § 1983; 18 U.S.C. § 1962(c)(R.I.C.O. ACT)."
4 (ECF No. 9.) Thus, at least in part, Plaintiff's case is, by his own admission, a civil rights
5 action. Accordingly, Plaintiff's Motion to Redesignate is DENIED.

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8 IT IS SO ORDERED.

9 Dated: December 6, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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