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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMAR SINGLETON, SR.,

CASE NO. 1:10-cv-00953-OWW-SMS

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION FOR SERVICE OF PROCESS BY UNITED STATES MARSHAL AS PREMATURE

v.

JONES, et al.,

(ECF No. 12)

Defendants.

_____/

Plaintiff Lamar Singleton, Sr., a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983, filed the complaint in this action on May 27, 2010. The Court granted Plaintiff leave to proceed in forma pauperis on June 25, 2010. On March 17, 2011, the Court screened the complaint and dismissed it for failure to state a claim. Now pending before the Court is Plaintiff's request that the United States Marshal be directed to serve the complaint on Defendants, filed March 10, 2011.

The Court will direct the United States Marshal to serve the complaint only after it has determined that the complaint contains cognizable claims for relief against the named defendants. There is currently no complaint pending before the Court. Until the Court has screened the complaint and found cognizable claims, any request for service by the Marshal is premature and will be denied.

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1 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for service of process by the
2 United States Marshal, filed March 10, 2011, is DENIED.

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4 IT IS SO ORDERED.

5 **Dated:** April 6, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE