UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

COREY TAYLOR; JOTASHA TAYLOR, Plaintiffs, v. WALMART, INC., Defendant.	1:10cv01138 OWW DLB ORDER DENYING MOTION FOR SUMMARY JUDGMENT (Document 5)

Plaintiffs Corey Taylor and Jotasha Taylor ("Plaintiffs") are proceeding pro se and in forma pauperis in this action. Plaintiffs filed their complaint upon which this action proceeds on June 24, 2010. Now pending before the court is Plaintiffs' motion for summary judgment, which was filed on July 6, 2010.

On July 29, 2010, pursuant to 28 U.S.C. § 1915(e)(2), the court conducted an initial review of the complaint for sufficiency to state a claim. The court required Plaintiffs to either file an amended complaint or a notice of their willingness to proceed only on claims found to be cognizable. On July 30, 2010, Plaintiffs filed a notice of their willingness to proceed only on claims found cognizable.

At this juncture, the complaint has not been served on defendant. Plaintiffs' motion for summary judgment is premature and is DENIED WITHOUT PREJUDICE. IT IS SO ORDERED.

Dated: August 6, 2010 **/s/ Oliver W. Wanger**
UNITED STATES DISTRICT JUDGE