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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN FIELDS,

Plaintiff,

v.

RICHARD ROSENTHAL,

Defendant.

1:10-cv-01764-GSA-PC

ORDER GRANTING REQUEST FOR
SCREENING ORDER

ORDER GRANTING EXTENSION OF
TIME TO FILE RESPONSE TO COMPLAINT

_____ /
This is a civil action filed by Kevin Fields (“Plaintiff”), a state prisoner proceeding pro se. Plaintiff initiated this action by civil complaint at the Kings County Superior Court on August 11, 2010 (Case #10-C0309). On September 23, 2010, defendant Rosenthal (“Defendant”) removed the case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(b). (Doc. 1.) In the Notice of Removal, counsel for Defendant indicates that Defendant received a copy of the complaint on September 7, 2010. On September 23, 2010, Defendant filed a motion for the court to screen Plaintiff’s complaint under 28 U.S.C. § 1915A and grant Defendant an extension of time in which to file a responsive pleading.

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). Plaintiff’s complaint alleges that Defendant Rosenthal, senior librarian at Corcoran State Prison and

1 an employee of the California Department of Corrections and Rehabilitation ("CDCR"), retaliated
2 against Plaintiff, in violation of the First Amendment. Because Defendant Rosenthal was employed
3 by the CDCR at a state prison when the alleged events occurred, the Court is required to screen the
4 complaint. Therefore, Defendant's motion for the Court to screen the complaint shall be granted.
5 In addition, good cause appearing, the motion for extension of time shall also be granted.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Defendant Rosenthal's motion for the Court to screen the complaint is GRANTED,
8 and the Court shall issue a screening order in due time;
- 9 2. Defendant Rosenthal is GRANTED an extension of time until thirty days from the
10 date of service of the Court's screening order in which to file a response to the
11 complaint.

12
13 IT IS SO ORDERED.

14 **Dated: September 28, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE