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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

Plaintiff,

v.

M. CATE, et al.,

Defendants.

CASE NO. 1:10-cv-02348-LJO-MJS PC

ORDER DENYING PLAINTIFF'S
EMERGENCY MOTION FOR SCREENING
OF COMPLAINT AS MOOT

(ECF No. 5)

_____ /

Plaintiff Garrison S. Johnson, a state prisoner proceeding pro se, filed this civil rights action on December 16, 2010 pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.)

Before the Court is Plaintiff's Emergency Application Motion Requesting the Assigned Judge and/or an Available District Judge to Screen Plaintiff's Complaint. (Emergency Motion to Screen, ECF No. 5.) Plaintiff claims he is prejudiced in his ability to prosecute the action due to delay in 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

1 such relief. 28 U.S.C. § 1915A(b)(1),(2).

2 On April 17, 2012 the Court issued its Order Dismissing Plaintiff's Complaint with
3 Leave to Amend. (Order Dismissing Compl., ECF No. 6.) Therefore Plaintiff's Emergency
4 Motion to Screen is moot.

5 Accordingly, for the foregoing reasons, it is ORDERED that Plaintiff's Emergency
6 Motion to Screen (ECF No. 5), is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: April 18, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE