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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

R. C. TOTH,

Plaintiff,

v.

GOVERNOR ARNOLD  
SCHWARZENEGGER, et al.

Defendants.

CASE NO. 1:11-cv-0247-MJS (PC)

ORDER DENYING MOTION TO DIRECT  
DEFENDANTS TO ANSWER THE  
COMPLAINT

(ECF No. 10)

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Plaintiff R. C. Toth ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to jurisdiction by a Magistrate Judge. (ECF No. 5.)

Plaintiff initiated this action on February 14, 2011. (ECF No. 1.) The Court has yet to screen Plaintiff's Complaint. On November 28, 2011, Plaintiff filed a motion requesting that the Court direct the Defendants to answer Plaintiff's Complaint. (ECF No. 10.) Plaintiff's motion is now before the Court.

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or employee of a governmental entity. 28 U.S.C. § 1915(A)(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 such relief. 28 U.S.C. § 1915A(b)(1),(2). The Court screens complaints in the order in

1 which they are filed. However, there are hundreds of prisoner civil rights cases presently  
2 pending before the Court. Delays are inevitable despite the Court's best efforts. The Court  
3 cannot order Defendants to respond until it has screened Plaintiff's Complaint and, if it  
4 finds that Plaintiff states any cognizable claims, ordered service on Defendants.

5           Accordingly, Plaintiff's motion is DENIED.

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9 IT IS SO ORDERED.

10 Dated: July 14, 2012

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE