

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RIGOBERTO POLANCO,

CASE NO. 1:11-cv-01421-BAM PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION TO
STAY ACTION

v.

(ECF No. 25)

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

Plaintiff Rigoberto Polanco (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on August 15, 2011, and Plaintiff’s complaint was dismissed as it was unsigned. Plaintiff’s signed complaint, filed September 16, 2011, is currently pending screening. On January 13, 2012, Plaintiff filed a motion to stay the action for sixty eight days in order to allow him to obtain a copy of the complaint to serve the defendants in this action.

Because Plaintiff is proceeding in forma pauperis, he is entitled to have process served on his behalf by the Marshal. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). However, as set forth in the Court’s First Informational Order, the Marshal will be directed to initiate service of process only after Plaintiff’s complaint has been screened and found to state cognizable claims for relief. 28 U.S.C. § 1915A; First Informational Order ¶12, ECF No.5.

Once the complaint is screened and found to have stated a cognizable claim against any defendant, a copy of the complaint will be sent to Plaintiff with service documents to be completed

1 and returned.

2 Accordingly, Plaintiff's motion for a stay, filed January 13, 2012, is HEREBY DENIED.

3 IT IS SO ORDERED.

4 Dated: January 18, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28