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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,	CASE No. 1:12-cv-00242-AWI-MJS PC
Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR NOTIFICATION
v.	(ECF No. 20)
KERN RADIOLOGY MEDICAL GROUP, INC., et al.,	
Defendants.	

Plaintiff Clarence Leon Dews is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed on February 21, 2012 pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.) Plaintiff has declined Magistrate Judge jurisdiction. (Decline Magistrate, ECF No. 9.)

Plaintiff filed a First Amended Complaint on March 2, 2012 (First Am. Compl., ECF No. 4), without his original Complaint having been screened. The Court has not yet screened the First Amended Complaint.

Pending before the Court is Plaintiff's motion for notification to proceed with discovery and dispositive relief. (Mot. for Notification, ECF No. 20.)

This motion is premature and relief cannot be granted. 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

1 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or
2 that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
3 § 1915A(b)(1),(2).

4 The Court is aware of Plaintiff's action and his First Amended Complaint is in line
5 for screening. However, the Court has a large number of prisoner civil rights cases
6 pending before it and will screen Plaintiff's First Amended Complaint in due course.
7 Until such time as the Court has screened Plaintiff's First Amended Complaint, no
8 further action is required of Plaintiff. The Court will not direct service of summons by the
9 United States Marshal absent a pleading containing cognizable claims for relief against
10 the named Defendants. Plaintiff will have an opportunity to raise discovery and
11 evidentiary matters, and seek dispositive relief at any appropriate time subsequent to
12 service.

13 Accordingly, for the foregoing reasons, it is ORDERED that Plaintiff's motion for
14 notification to proceed with discovery and dispositive relief (Mot. for Notification, ECF
15 No. 20) is DENIED.

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24 IT IS SO ORDERED.

25 Dated: December 18, 2012

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE