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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,	CASE NO. 1:12-CV-00242-MJS PC
Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT
v.	(ECF NO. 5)
KERN RADIOLOGY MEDICAL GROUP, INC., et al.,	
Defendants.	

Clarence Leon Dews ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action filed on February 21, 2012 pursuant to 42 U.S.C. § 1983. Plaintiff filed a First Amended Complaint on March 2, 2012. The Court has yet to screen the First Amended Complaint or order service.

Before the Court is Plaintiff's Declaration for Entry of Default which the Court construes as a motion for entry of Defendants' default. (ECF No. 5.)

Plaintiff alleges that Defendants have been served in this matter and not timely responded. This is not the case.

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

1 who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). The Court will direct the
2 United States Marshal to serve Plaintiff's First Amended Complaint only after the Court
3 has screened it and determined that it contains cognizable claims for relief against the
4 named Defendants. "Notwithstanding any filing fee, or any portion thereof, that may
5 have been paid, the court shall dismiss the case at any time if the court determines that
6 ... the action or appeal ... fails to state a claim upon which relief may be granted." 28
7 U.S.C. § 1915(e)(2)(B)(ii).

8 Plaintiff's First Amended Complaint is in line for screening. However, the Court
9 has a large number of prisoner civil rights cases pending before it and will screen
10 Plaintiff's Complaint in due course. At this stage in the proceedings, Plaintiff has not
11 stated any claim for relief which is cognizable under federal law.¹ As a result, the Court
12 has no pending case in which to assert jurisdiction and award relief.

13 Until such time as the Court has screened Plaintiff's First Amended Complaint,
14 no further action is required.

15 Accordingly, Plaintiff's Declaration for Entry of Default construed as a motion for
16 entry of Defendants' default (ECF No. 5) is DENIED.

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18 IT IS SO ORDERED.

19 Dated: March 14, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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¹ Plaintiff's First Amended Complaint has not yet been screened.