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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SUSAN MAE POLK,

Plaintiff,

v.

MARY LATTIMORE, et al.,

Defendants.

1:12-cv-01156-AWI-GSA-PC

ORDER DENYING PLAINTIFF'S
REQUEST FOR IMMEDIATE
SERVICE OF PROCESS
(Doc. 33.)

I. BACKGROUND

Susan Mae Polk ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action was initiated by civil Complaint filed on July 16, 2012. (Doc. 1.) On December 2, 2013, Plaintiff filed the Third Amended and a request for the court to initiate service of process in this action. (Docs. 32, 33.)

II. SCREENING OF THE COMPLAINT AND SERVICE OF PROCESS

Plaintiff requests the court to serve process of the Third Amended Complaint. At this stage of the proceedings, Plaintiff's Third Amended Complaint awaits the court's requisite screening process. The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity,

1 such as the instant action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The
2 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are
3 legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or
4 that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
5 § 1915A(b)(1),(2).

6 With respect to service, the court will, *sua sponte*, direct the United States Marshal to
7 serve the complaint only after the court has screened the complaint and determined that it
8 contains cognizable claims for relief against the named defendants. Service of process shall not
9 be initiated until the court has screened the complaint and finds that Plaintiff states cognizable
10 claims. Therefore, Plaintiff’s request for immediate service of process shall be denied.

11 **III. CONCLUSION**

12 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s request for
13 immediate service of process in this action, filed on December 2, 2013, is DENIED.

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17 IT IS SO ORDERED.

18 Dated: December 11, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE