UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

GARY FRANCIS FISHER, aka Gary Dale Barger, Plaintiff,	 Case No.: 1:14-cv-00901-BAM PC ORDER DISREGARDING MOTION TO PROCEED IN FORMA PAUPERIS
v. DIRECTOR OF OPS OF CDCR, Defendant.) ORDER DENYING MOTION FOR SUMMARY JUDGMENT AS PREMATURE (ECF No. 36))

Plaintiff Gary Francis Fisher ("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 initiated this action on June 20, 2013, in the Northern District of California. On June 2, 2014, the Court reopened the action and directed Plaintiff to file a complaint. (ECF No. 16.) Plaintiff filed an amended complaint on June 10, 2014. (ECF No. 18.) On the same date, the matter was transferred to this Court. (ECF No. 19.)

On December 15, 2014, Plaintiff filed a request to proceed in forma pauperis and motion for summary judgment as a matter of law. (ECF No. 36.)

With regard to Plaintiff's request to proceed in forma pauperis, this request is unnecessary. On June 2, 2014, Plaintiff was granted leave to proceed in forma pauperis in this action. (ECF No. 17.) Accordingly, Plaintiff's pending request to proceed in forma pauperis is HEREBY DISREGARDED.

With regard to Plaintiff's request for summary judgment as a matter of law, this request is premature. On March 4, 2015, the Court screened Plaintiff's amended complaint pursuant to 28

U.S.C. §1915A, and dismissed it with leave to amend within thirty days. (ECF No. 41.) Currently, there is no operative complaint on file, no claims have been found cognizable, no defendants have been ordered served, and no defendants have appeared in this action. Therefore, Plaintiff's motion for summary judgment is HEREBY DENIED as premature. IT IS SO ORDERED. /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE Dated: **April 1, 2015**