1 2 3 <u>4</u> 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ARCHIE CRANFORD, CASE NO. 1:14-cv-1131-MJS (PC) 12 Plaintiff, ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT 13 ٧. (ECF No. 6) 14 PAM AHLIN, et al., 15 Defendants. 16 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil 17 rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on July 18 21, 2014. (ECF No. 1.) On August 14, 2014, he moved for default judgment. (ECF No. 19 6.) 20 A default, followed by a default judgment, cannot be taken unless and until a 21 defendant has been served and fails to file a responsive pleading within the time 22 allowed. Fed. R. Civ. P. 55(a). Although Plaintiff claims that the defendants have been 23 served in this case, nothing before the Court reflects proper service. Service would, in 24 any event, be premature for the reason set forth below. 25 The Court is required to screen complaints brought by prisoners seeking relief 26 against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. 27

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§ 1915A. 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 who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2). This provision is mandatory. The Court will direct the United States Marshals Service to serve Plaintiff's complaint only after the Court has screened the complaint and determined that it contains cognizable claims for relief against the named Defendants.

Accordingly, because Plaintiff has presented no basis upon which a default could be taken against the named defendants, his motion for default judgment (ECF No. 6) is DENIED.

IT IS SO ORDERED.

Dated: August 19, 2014 /s/ Michael J. Seng