

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY SILVA,
Plaintiff,
v.
WORTH,
Defendant.

Case No. 1:16-cv-01131-LJO-SKO (PC)
ORDER GRANTING DEFENDANT’S
REQUEST TO SCREEN PLAINTIFF’S
FIRST AMENDED COMPLAINT
(Doc. 44)

Plaintiff, Anthony Silva, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On September 5, 2018, an order issued granting Plaintiff’s motion and filing the First Amended Complaint. (Docs. 42, 43.) On October 1, 2018, Defendants filed a request for screening of the First Amended Complaint. (Doc. 44.)

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). A complaint or portion thereof that raises claims that are legally frivolous, malicious, 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 must be dismissed. 28 U.S.C. § 1915A(b)(1),(2); 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

To state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated and (2) that the alleged violation was committed by a person acting under the color of state law. *See West v. Atkins*, 487

1 U.S. 42, 48 (1988); *Ketchum v. Alameda Cnty.*, 811 F.2d 1243, 1245 (9th Cir. 1987). The First
2 Amended Complaint has been placed in line for screening.

3 Accordingly, it is HEREBY ORDERED that Defendant's motion, filed on October 1,
4 2018, (Doc. 44), for screening of Plaintiff's First Amended Complaint is GRANTED.

5
6 IT IS SO ORDERED.

7 Dated: October 3, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28