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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHAUNCEY HOLLIS,
Plaintiff,
v.
KELLY SANTORO, et al.,
Defendants.

No. 1:16-cv-01683-DAD-BAM (PC)

ORDER DENYING MOTION FOR
SUMMARY JUDGMENT WITHOUT
PREJUDICE

(Doc. No. 9)

Plaintiff Chauncey Hollis is a state prisoner proceeding *pro se* and *in forma pauperis* under 42 U.S.C. § 1983. Plaintiff initiated this action on October 6, 2016 by filing his complaint. (Doc. No. 1.) Thereafter, the case was transferred to this court from the U.S. District Court for the Central District of California. On November 14, 2016, plaintiff filed a motion for summary judgment. (Doc. No. 9.) On November 18, 2016, plaintiff filed notice that he was declining to consent to magistrate judge jurisdiction over the action for all purposes. (Doc. No. 10.) Accordingly, the case has been referred to the assigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and in keeping with Local Rule 302 of the United States District Court for the Eastern District of California.

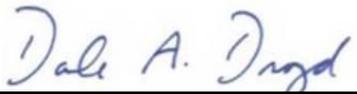
Plaintiff's motion for summary judgment is premature. The assigned magistrate judge is required to screen complaints in civil actions in which prisoners seek relief from governmental entities, officers or employees. 28 U.S.C. § 1915A(a). No such screening has yet occurred in this

1 case and service of plaintiff's complaint has not yet been authorized. Should plaintiff's complaint
2 proceed beyond the screening stage, the court will direct it to be served, and will issue an order
3 setting a schedule for discovery and dispositive motions. Since no complaint has been ordered
4 served and no defendants have yet appeared in this action, dispositive motions like plaintiff's
5 motion for summary judgment are premature. Plaintiff is advised that his complaint will be
6 screened in due course.

7 Accordingly, plaintiff's motion for summary judgment (Doc. No. 9) is hereby denied
8 without prejudice to its re-filing at the appropriate stage of this litigation.

9 IT IS SO ORDERED.

10 Dated: January 5, 2017


UNITED STATES DISTRICT JUDGE

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