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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CHOON RHEY,  
Plaintiff,  
v.  
INFEOMA OGBUEHI, et al.,  
Defendants.

Case No. 1:17-cv-00718-AWI-SAB (PC)  
ORDER DENYING PLAINTIFF’S MOTION  
FOR ORDER REQUIRING U.S. MARSHAL  
TO SERVE SUMMONS AND COMPLAINT,  
AS PREMATURE  
[ECF No. 17]

Plaintiff Choon Rhey is a state prisoner proceeding pro se in this civil rights matter pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for an order requiring the U.S. Marshal to serve the summons and complaint in this action, filed on October 16, 2017. (ECF No. 17.) Plaintiff paid the filing fee in this matter on August 10, 2017.

Plaintiff’s motion is premature, and shall be denied without prejudice. 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). The Court will direct service of process only after Plaintiff’s complaint has been screened and found to state cognizable claims for relief. If Plaintiff’s complaint is found to have stated a cognizable claim against any defendant, a copy of the complaint will be sent to Plaintiff with service documents and instructions on how to proceed. No motion will be necessary.

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In this case, on September 21, 2017, Plaintiff's original complaint was dismissed, with leave to amend. Plaintiff has now filed a first amended complaint concurrently with the instant motion. Plaintiff is advised that his first amended complaint will be screened in due course.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion for an order requiring the U.S. Marshal to serve the summons and complaint (ECF No. 17), is DENIED without prejudice, as premature.

IT IS SO ORDERED.

Dated: October 18, 2017

  
UNITED STATES MAGISTRATE JUDGE