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

KEITH REAGAN CARTER,
Plaintiff,

v.

CALIFORNIA HEALTH CARE
SERVICES, et al.,

1:17-cv-01374-GSA-PC

**ORDER DENYING REQUEST FOR
INITIATION OF SERVICE
(ECF No. 23.)**

I. BACKGROUND

Keith Reagan Carter (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On October 12, 2017, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On July 24, 2018, the court screened the Complaint pursuant to 28 U.S.C. § 1915A and issued an order dismissing the Complaint for failure to state a claim, with leave to amend. (ECF No. 15.) On August 1, 2018, Plaintiff filed the First Amended Complaint. (ECF No. 15.)

On April 15, 2019, Plaintiff filed a motion for leave to file a supplemental complaint. (ECF No. 18.) On April 22, 2019, the court denied Plaintiff’s motion but granted Plaintiff leave to file a Second Amended Complaint to present all of his allegations and claims in a single pleading. (ECF No. 19.) On May 3, 2019, Plaintiff filed the Second Amended Complaint, which awaits the court’s requisite screening under 28 U.S.C. § 1915A. (ECF No. 20.)

1 On July 1, 2019, Plaintiff filed a request for “Marshal Service Forms and would also like
2 to obtain a docket scheduling.” (ECF No. 23.) The court construes Plaintiff’s request as a request
3 for the court to initiate service of process upon the defendants in this case.

4 **II. SCREENING AND SERVICE OF PROCESS**

5 The court is required by law to screen complaints brought by prisoners seeking relief
6 against a governmental entity or officer or employee of a governmental entity, such as the instant
7 action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a
8 complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or
9 malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary
10 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

11 With respect to service, the court will, *sua sponte*, direct the U.S. Marshal to serve the
12 complaint only after the court has screened the complaint and determined that it contains
13 cognizable claims for relief against the named defendants.

14 Here, Plaintiff’s Second Amended Complaint awaits the court’s screening. Therefore, it
15 is not time for service in this case, thus Plaintiff’s request shall be denied.

16 **III. CONCLUSION**

17 Based on the foregoing, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff’s request for initiation of service of process, filed on July 1, 2019, is
19 DENIED; and
20 2. The court shall screen the Second Amended Complaint in due course.

21 IT IS SO ORDERED.
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23 Dated: July 29, 2019

/s/ Gary S. Austin
24 UNITED STATES MAGISTRATE JUDGE
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