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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWARD THOMAS,  
Plaintiff,

No. CIV S-09-0855-CMK-P

vs.

ORDER

J. WRIGHT, et al.,  
Defendants.

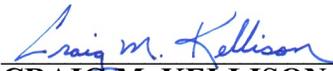
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Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s complaint (Doc. 1). The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

Plaintiff names the following as defendants; Wright, Cottrell, Gordy, and Nelson. He claims that, in June 2008, defendants used excessive force. The complaint appears to state a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. Defendants, who removed this action from the Lassen County Superior Court, have been served with process and will be directed to file a response to the complaint.

1                   Accordingly, IT IS HEREBY ORDERED that defendants shall file a response to  
2 plaintiff's complaint within 30 days of the date of this order.

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4                   DATED: April 14, 2009

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7                   **CRAIG M. KELLISON**  
8                   UNITED STATES MAGISTRATE JUDGE

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