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

MALIK JONES,

Plaintiff,

No. CIV S-09-3092 EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently before the court are plaintiff’s March 3, 2010 request for a court order requiring defendants to respond to the complaint and plaintiff’s May 24, 2010 motion to proceed *in forma pauperis*. Dckt. Nos. 10, 16.

Plaintiff’s *in forma pauperis* application, filed in compliance with the court’s order of May 11, 2010, makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). Accordingly, the court will grant plaintiff’s request to proceed *in forma pauperis*, and, by separate order, the court will direct the agency having custody of plaintiff to collect and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. § 1915(b)(1) and (2).

Plaintiff’s March 3, 2010 request for a court order requiring defendants to respond to the complaint is premature. The court will screen plaintiff’s complaint as required by 28 U.S.C.

1 § 1915A in due course. If the court determines in its screening order that plaintiff has stated
2 cognizable claims against defendants, the court will order defendants to respond to the
3 complaint.

4 Accordingly, it is hereby ORDERED that:

5 1. Plaintiff's request to proceed *in forma pauperis* is granted.

6 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected in
7 accordance with the notice to the Director of the California Department of Corrections and
8 Rehabilitation filed concurrently herewith.

9 3. Plaintiff's March 3, 2010 motion for a court order requiring defendants to respond to
10 the complaint is denied as premature.

11 DATED: January 11, 2011.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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