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

ASHIT ZINZUWADIA,

Plaintiff,

No. 2:12-cv-02281-KJM-KJN

vs.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
et al.,

Defendants.

ORDER

On September 6, 2012, plaintiff Ashit Zinzuwadia (“plaintiff”) filed a Complaint (Compl., Dkt. No. 1) and an Application to Proceed In Forma Pauperis (the “IFP Application”) (Dkt. No. 2). Following an initial screening, the undersigned dismissed plaintiff’s original pleading with leave to amend. (Order, Dkt. No. 6.) Plaintiff filed a First Amended Complaint on February 11, 2013. (First Am. Compl., Dkt. No. 7.)

On February 25, 2013, defendant American Mortgage Network, Inc. (“American”) filed a Motion to Dismiss the First Amended Complaint. (Motion, Dkt. No. 8.) American set the motion to be heard on March 28, 2013. (Id.) However, the First Amended Complaint has not yet been screened pursuant to 28 U.S.C. § 1915. Neither American nor any of the four other named

1 defendants have yet been served with process; if such service was effectuated, the court's
2 electronic docket does not reflect it.

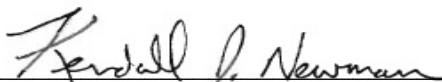
3 Given plaintiff's status as a litigant proceeding without counsel and in forma
4 pauperis, the amended pleading in this case needs to be screened by the undersigned pursuant to
5 28 U.S.C. § 1915. Thereafter, should the amended pleading surpass the screening phase, the
6 United States Marshal will be ordered to effectuate service of that pleading upon the defendants.
7 After such service occurs, the defendants may respond by filing responsive pleadings or motions
8 to dismiss. Until that time, however, American's motion is premature.

9 For the reasons stated above, IT IS HEREBY ORDERED that:

10 American's Motion to Dismiss (Motion, Dkt. No. 8) is denied without prejudice
11 at this time, and the hearing date currently set in connection with that motion is hereby
12 VACATED. If the undersigned orders that the amended complaint be served after screening it
13 pursuant to 28 U.S.C. § 1915, American may re-file its motion to dismiss after being served with
14 process.

15 IT IS SO ORDERED.

16 DATED: March 6, 2013

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19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE
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