

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5
6 WILLIAM M. ENDRES,

7 Plaintiff,

NO. C10-3924 TEH

8 v.

ORDER OF SERVICE

9 CALIFORNIA DEPARTMENT OF
10 CORRECTIONS AND
REHABILITATION, et al.,

11 Defendants.
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13 Plaintiff William M. Endres, a state prisoner at San Quentin State Prison who is
14 represented by counsel, has filed a complaint under 42 U.S.C. § 1983, the Americans with
15 Disabilities Act, and section 504 of the Rehabilitation Act of 1973. Federal courts must
16 engage in a preliminary screening of cases “in which a prisoner seeks redress from a
17 governmental entity or officer or employee of a governmental entity.” 28 U.S.C. §
18 1915A(a). The court must “identify cognizable claims or dismiss the complaint, or any
19 portion of the complaint, if the complaint – (1) is frivolous, malicious, or fails to state a claim
20 upon which relief may be granted; or (2) seeks monetary relief from a defendant who is
21 immune from such relief.” *Id.* § 1915A(b).

22 In this case, Plaintiff cannot sue the California Department of Corrections and
23 Rehabilitation (“CDCR”) under 42 U.S.C. § 1983 because the CDCR is “entitled to Eleventh
24 Amendment immunity” from such claims. *Brown v. CDCR*, 554 F.3d 747, 752 (9th Cir.
25 2009). The § 1983 causes of action against the CDCR are therefore DISMISSED.

26 It is not clear that any other claims must be dismissed at this early screening stage.
27 Accordingly, and because this Court has already granted Plaintiff’s application to proceed in
28 forma pauperis, IT IS HEREBY ORDERED that the Clerk shall issue summons and the

1 United States Marshal shall serve, without prepayment of fees, copies of the complaint in this
2 matter and copies of this order on all named defendants.

3 IT IS FURTHER ORDERED that the parties shall appear for an initial case
4 management conference on **January 31, 2011, at 1:30 PM.** The parties shall meet and
5 confer and file a joint case management conference statement on or before **January 24,**
6 **2011.** The Court will consider continuing these deadlines by stipulation of the parties if it
7 appears that settlement discussions may resolve this case informally.

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9 **IT IS SO ORDERED.**

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11 Dated: 09/21/10



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13 THELTON E. HENDERSON, JUDGE
14 UNITED STATES DISTRICT COURT
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