

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARCELLOS COLEMAN, #198681

PLAINTIFF

v.

CAUSE NO. 3:17-cv-731-LG-RHW

LAURA WRIGHT,

Jailer/Deputy, Individual and Official Capacities, et al.

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This matter is before the Court on Plaintiff Marcellos Coleman's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Pl.'s Mot. [5]. Having reviewed the record and applicable law, the Court finds that said Motion is not well taken and should be denied.

I. BACKGROUND

Coleman, a *pro se* prisoner, filed this civil action pursuant to 42 U.S.C. § 1983 against Defendants Laura Wright, Darrell Lipsey, and Hinds County, Mississippi, concerning the conditions of confinement at the Hinds County Detention Center, Raymond, Mississippi. *See* Compl. [1] at 4, 13 (CM/ECF pagination); Am. Comp. [1] at 1-3 (CM/ECF pagination). The Court is required to "review . . . a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." 28 U.S.C. § 1915A(a). The Court is further required to "identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915A(b). This case is currently being screened as provided in 28 U.S.C. § 1915A.

In the instant Motion, Coleman contends that he is entitled to summary

judgment against Defendants because he “has fully proven (by[]law) that all of the defendants were in fact personally involved and fully participated at will,” *see* Pl.’s Mot. [5] at 1 (CM/ECF pagination), and that Defendants’ actions violated his constitutional rights, *see id.* at 1-7 (CM/ECF pagination).

II. ANALYSIS

“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Coleman has not made this showing. Moreover, as stated above, this civil action is being screened to determine if Coleman has stated an arguable claim. *See* 28 U.S.C. § 1915A. Because the screening process is not complete, Defendants have not been served with process. Therefore, the instant Motion is premature and does not meet the standards for granting summary judgment as provided by Rule 56. Based on the foregoing, Coleman’s Motion [5] should be denied without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff Coleman’s Motion for Summary Judgment [5] is **DENIED** without prejudice as premature.

SO ORDERED AND ADJUDGED this the 5th day of December, 2017.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
United States District Judge