

FEB 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BRIAN DARNELL EDWARDS,

Plaintiff - Appellant,

v.

CALIFORNIA STATE PRISON LOS  
ANGELES COUNTY; et al.,

Defendants - Appellees.

No. 10-55463

D.C. No. 2:09-cv-02584-GAF-AN

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Gary A. Feess, District Judge, Presiding

Submitted February 15, 2011\*\*

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Brian Darnell Edwards, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to serve the complaint. We have jurisdiction under 28 U.S.C. § 1291. The record reflects

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that the district court failed to screen this case as required by 28 U.S.C. §§ 1915A and 1915(e)(2)(B). We therefore vacate and remand with instructions to screen the complaint.

If on remand the district court determines that Edwards' claims are sufficient to satisfy the screening requirements, then the court should proceed to order service of process in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3).

Edwards shall bear his own costs on appeal.

**VACATED and REMANDED.**