

1 have ordered these medical tests earlier, and that his failure to do so subjected plaintiff to
2 unnecessary pain and suffering. Plaintiff now states that he “always told Dr. Hawkins that
3 [plaintiff] was in severe pain, and couldn’t function [in] his daily activities,” but that Dr. Hawkins
4 would disregard plaintiff’s pleas. (ECF No. 12 at 3.) While not entirely clear, it appears that
5 plaintiff contends that Dr. Hawkins was deliberately indifferent from 2011 until 2014 when
6 plaintiff was finally seen by the PMC. In addition, plaintiff clarifies that he was never prescribed
7 Tramadol while housed at Mule Creek State Prison. (ECF No. 12 at 3.)

8 In light of these objections, new allegations and clarification, plaintiff is granted leave to
9 amend his pleading to allege all of his Eighth Amendment claims against Dr. Hawkins. Plaintiff
10 is not granted leave to amend as to defendants Smith and Smiley, and is provided the opportunity
11 to consent to their dismissal. Plaintiff is not allowed to add new defendants. The findings and
12 recommendations will be held in abeyance pending screening of the new pleading. Plaintiff’s
13 prior exhibits remain a part of the court record and may be referred to by any party.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Within thirty days from the date of this order, plaintiff shall complete the attached
16 Notice of Amendment and submit the following documents to the court:

- 17 a. The completed Notice of Amendment; and
18 b. An original and one copy of the Amended Complaint.

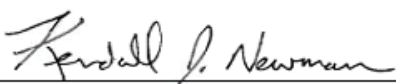
19 Plaintiff’s third amended complaint shall comply with the requirements of the Civil Rights Act,
20 the Federal Rules of Civil Procedure, the Local Rules of Practice, and this court’s prior orders.
21 The third amended complaint must also bear the docket number assigned to this case and must be
22 labeled “Third Amended Complaint.”

23 Failure to file a third amended complaint in accordance with this order may result in the
24 dismissal of this action.

25 2. The Clerk of the Court is directed to send plaintiff the form for filing a civil rights
26 action by a prisoner.

27 Dated: April 21, 2016

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO JOSEPH,
Plaintiff,
v.
R. HAWKINS, et al.,
Defendants.

No. 2:15-cv-0332 JAM KJN P

NOTICE OF AMENDMENT

Plaintiff hereby submits the following document in compliance with the court's order
filed _____.
_____ Third Amended Complaint
_____ Plaintiff consents to the dismissal of defendants Smith and Smiley.

DATED:

Plaintiff