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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON D. CARROLL,)	Case No. CV 10-6964-CJC (DTB)
Plaintiff,)	
vs.)	ORDER ACCEPTING FINDINGS,
CORRECTIONAL OFFICER S.)	CONCLUSIONS AND
READ, et al.,)	RECOMMENDATIONS OF UNITED
)	STATES MAGISTRATE JUDGE
Defendants.)	


Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and accepts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that defendants’ Motion to Dismiss plaintiff’s SAC for failure to comply with Fed. R. Civ. P. 8 and failure to state a claim upon which relief can be granted is granted with leave to amend; that defendants’ Motion to Dismiss plaintiff’s SAC based on qualified immunity is denied without prejudice; and plaintiff is ordered, if he still desires to pursue this action, to file a Third Amended Complaint remedying the deficiencies discussed in the Report and Recommendation within thirty (30) days of the service of this Order.

1 If plaintiff chooses to file a Third Amended Complaint, it should bear the
2 docket number assigned in this case; be labeled "Third Amended Complaint"; and be
3 complete in and of itself without reference to the original Complaint, the First
4 Amended Complaint, the Second Amended Complaint, or any other pleading,
5 attachment, or document. The Clerk is directed to send plaintiff a blank Central
6 District civil rights complaint form, which plaintiff is encouraged to utilize.

7 **Plaintiff is admonished that, if he fails to timely file a Third Amended**
8 **Complaint within the time allotted, the same can be construed as a failure to**
9 **prosecute the action and, therefore, can be a basis for dismissal.**

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11 Dated: April 30, 2013

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13 _____
14 CORMAC J. CARNEY
15 UNITED STATES DISTRICT JUDGE
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- a. Parties to this previous lawsuit:
 Plaintiff _____

 Defendants _____

- b. Court _____

- c. Docket or case number _____
- d. Name of judge to whom case was assigned _____
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) _____
- f. Issues raised: _____

- g. Approximate date of filing lawsuit: _____
- h. Approximate date of disposition _____

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? Yes No
2. Have you filed a grievance concerning the facts relating to your current complaint? Yes No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? Yes No

If your answer is no, explain why not _____

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff _____
 (print plaintiff's name)

who presently resides at _____
 (mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

 (institution/city where violation occurred)

on (date or dates) _____, _____, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

2. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

3. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

4. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:
