

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HOWARD YOUNG,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,
Defendants.
1:07-cv-01121-GSA-PC
ORDER RESOLVING PLAINTIFF'S
MOTIONS FILED JULY 1, 2010
(Docs. 59, 60.)
ORDER FOR PLAINTIFF TO CHOOSE
ONLY ONE OF THESE TWO OPTIONS:
(1) PROCEED ONLY
AGAINST DEFENDANT
BARRON FOR
RETALIATION

THIRTY DAY DEADLINE TO NOTIFY
THE COURT OR FILE A THIRD
AMENDED COMPLAINT

Howard Young (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 2, 2007. (Doc. 1.)

On June 21, 2010, the court issued an order requiring plaintiff to either (1) file a third amended complaint, or (2) notify the court of his willingness to proceed only against defendant

1 Barron on the retaliation claim. (Doc. 55.) On July 1, 2010, plaintiff filed a motion to
2 immediately proceed with service of process, and a motion for extension of time to file a third
3 amended complaint. (Docs. 59, 60.) Plaintiff may not select both of these options.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motions filed on July 1, 2010 are RESOLVED;
- 6 2. Within thirty days from the date of service of this order, plaintiff is required to
7 either:
 - 8 (1) Notify the court that he is willing to proceed only against defendant
9 Barron on the retaliation claim; OR
 - 10 (2) File a third amended complaint curing the deficiencies identified
11 by the court in the order issued on June 21, 2010;
- 12 3. Plaintiff's failure to comply with this order shall result in the dismissal of this
13 action for failure to obey a court order.

14
15 IT IS SO ORDERED.

16 Dated: July 12, 2010

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28