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**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

OR

(2) FILE A THIRD AMENDED  
COMPLAINT

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

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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**