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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 KENDALL BROUGHTON, CASE NO. 1:08-cv-00283-AWI-SKO PC

10 Plaintiff, ORDER RE MOTION

11 v. (Doc. 12)

12 JAMES YATES, et al.,

13 Defendants.

14
15 Plaintiff Kendall Broughton (“Plaintiff”) is a state prisoner proceeding pro se in this civil
16 rights action pursuant to 42 U.S.C. § 1983. On January 22, 2010, Defendant Yates filed a motion
17 requesting the Court to screen Plaintiff’s first amended complaint pursuant to 28 U.S.C. § 1915A(a).
18 (Doc. #12.) The Court screened Plaintiff’s first amended complaint on August 26, 2010. (Doc.
19 #15.) Defendant’s request is therefore moot.

20 Defendant’s motion also requests an extension of time to file a response to Plaintiff’s first
21 amended complaint. The Court’s screening order determined that Plaintiff’s first amended complaint
22 failed to state any claims and recommended that this action be dismissed. The Court will grant
23 Defendant’s request for an extension of time. In the event that the recommendation is not adopted
24 and this action is not dismissed, the Court will order Defendant to file a response to Plaintiff’s first
25 amended complaint and the deadline for such response will be set at that time.

26 IT IS HEREBY ORDERED that:

27 1. Defendant’s request for the Court to screen Plaintiff’s first amended complaint is
28 DENIED as moot; and

2. Defendant's request for an extension of time is GRANTED. In the event that a response to Plaintiff's first amended complaint is necessary, the deadline for filing such response will be set at a later date.

IT IS SO ORDERED.

Dated: September 15, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE