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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL D. HARRISON,	CASE NO. 1:08-cv-1065-MJS (PC)
Plaintiff,	ORDER GRANTING MOTION TO AMEND AND DENYING MOTION FOR SCREENING AND MOTION FOR CLARIFICATION
v.	
D. ADAMS, et al.,	(ECF Nos. 66, 67 & 68)
Defendants.	PLAINTIFF'S FIFTH AMENDED / COMPLAINT DUE JUNE 15, 2011

Plaintiff Michael D. Harrison ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court are a number of miscellaneous motions filed by Plaintiff. The Court will address each in turn below.

I. MOTION FOR SCREENING

Plaintiff has filed a Motion for Screening asking the Court to screen his complaint or transfer his case to a district with a smaller caseload. (ECF No. 66.) Because the Court recently screened Plaintiff's Fourth Amended Complaint, (see ECF No. 65), Plaintiff's Motion for Screening is moot and is DENIED.

1 **II. MOTION FOR CLARIFICATION**

2 Plaintiff has filed a Motion for Clarification that poses a number of questions he
3 wants answered. (ECF No. 67.) The questions seek direction on legal issues (such as:
4 What is required to exhaust administrative remedies?) None of the issues raised by
5 Plaintiff are currently before the Court. The Court cannot offer advisory opinions on them.
6 Accordingly, Plaintiff's Motion for Clarification is DENIED.
7

8 **III. MOTION TO REPLY TO COURT ORDER**

9 The Court's Screening Order found that Plaintiff had stated a cognizable claim
10 against Defendants Jones, Moore, Burns, Dava, and Kim for violating the Eighth
11 Amendment but failed to state a claim on his other grounds. (ECF No. 65.) Plaintiff was
12 given the option of proceeding on the claims found cognizable or filing a fifth amended
13 complaint. (Id. at 18.)
14

15 In response, Plaintiff filed a "Motion to reply to court order" asking the Court to allow
16 him to file a fifth amended complaint only as to the five Defendants against whom he has
17 already stated a claim. (ECF No. 68.) He wishes to refile these claims so that his
18 operative complaint will have "no deficiencies or problems later on in litigation." (Id. at 2.)
19 Plaintiff's Motion is GRANTED and Plaintiff may file a fifth amended complaint if he does
20 so on or before **June 15, 2011**. If the Court has not received Plaintiff's fifth amended
21 complaint by June 15, 2011, it will proceed and order the fourth amended complaint served
22 on the five defendants against whom it states a claim.
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1 **IV. CONCLUSION**

2 For the reasons stated above, the Court ORDERS the following:

- 3 1. Plaintiff's Motion for Screening is DENIED as moot;
- 4 2. Plaintiff's Motion for Clarification is DENIED;
- 5 3. Plaintiff's Motion to Reply to Court Order is GRANTED; and
- 6 4. Plaintiff shall file a fifth amended complaint no later than **June 15, 2011**. If
- 7 Plaintiff misses this deadline, the Court will proceed on the fourth amended
- 8 complaint.
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15 IT IS SO ORDERED.

16 Dated: April 21, 2011

17 /s/ Michael J. Seng

18 UNITED STATES MAGISTRATE JUDGE

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