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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JAMES RASBERRY,

Plaintiff,

v.

A. TREVINO, et al.,

Defendants.

CASE NO. 1:08-cv-01767-OWW-SKO PC

ORDER REQUIRING DEFENDANTS TO FILE  
RESPONSIVE PLEADING WITHIN FOURTEEN  
DAYS

Plaintiff James Rasberry (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original complaint in this action on November 19, 2008. (Doc. #1.) On February 16, 2010, the Court granted Defendant A. Trevino and Defendant L. Miguel’s (“Defendants”) motion to dismiss Plaintiff’s original complaint for failure to state a claim. (Doc. #24.) The Court granted Plaintiff leave to file an amended complaint.

Plaintiff filed an amended complaint on March 2, 2010. The Court has screened Plaintiff’s amended complaint pursuant 28 U.S.C. § 1915A and finds that it states cognizable claims against Defendants A. Trevino and L. Miguel for use of excessive for force in violation of the Eighth Amendment and against Defendant A. Trevino for violation the Equal Protection Clause. Accordingly, Defendants are HEREBY ORDERED to file a responsive pleading within fourteen (14) days of the date of service of this order.

IT IS SO ORDERED.

**Dated:** November 10, 2010

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE