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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAMON REYMUNDO,

CASE NO. 1:08-cv-01900-DLB PC

Plaintiff,

ORDER REGARDING FIRST AMENDED
COMPLAINT

v.

BOUHABEN, et al.,

(Doc. 12)

Defendants.

RESPONSE DUE WITHIN TWENTY (20)
DAYS

_____ /

Plaintiff Ramon Reymundo (“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 December 1, 2008 in the Central District of California. (Doc. 3.) This action was transferred to the Eastern District of California on December 10, 2008.

On April 6, 2009, the Court issued an order following the screening of Plaintiff’s original complaint pursuant to 28 U.S.C. §1915(e) and 28 U.S.C. §1915A(a). (Doc. 11.) The Court found that Plaintiff stated a cognizable claim against defendants Bouhaben and Roland for violation of the Eighth Amendment, but had not stated cognizable claims against defendants A. Huerta and James Hartley. Plaintiff was granted the leave to file an amended complaint. Alternatively, Plaintiff was informed that he could notify the Court that he did not wish to file an amended complaint and wished to proceed only on the claims identified as cognizable.

Plaintiff filed a First Amended Complaint on April 20, 2009. (Doc. 12.) Plaintiff names

1 only officers Bouhaben and Roland as defendants, and alleges that they violated his rights under
2 the Eighth Amendment.

3 Upon review, Plaintiff has amended his complaint so that he no longer states any cognizable
4 claims against these defendants. Therefore, the Court HEREBY ORDERS as follows:

- 5 1. Within twenty (20) days of the date of service of this order, Plaintiff must:
 - 6 a. Notify the Court in writing that he wishes to withdraw his First Amended
7 Complaint and that he wishes to proceed only on his original complaint and
8 only on the claims identified by the Court as cognizable; or
 - 9 b. File a Second Amended Complaint. Plaintiff is cautioned that he may not
10 change the nature of this suit by adding new, unrelated claims in his
11 amended complaint. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no
12 “buckshot” complaints); and
- 13 2. Failure to comply with this order will result in the dismissal of this action for failure
14 to obey a court order.

15 IT IS SO ORDERED.

16 **Dated: September 16, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE