UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE JOHNSON,

Plaintiff,

v.

K. CLARK, et al.,

Defendants.

/

1:09-cv-00541-GSA-PC

ORDER GRANTING REQUEST FOR SCREENING ORDER

ORDER GRANTING EXTENSION OF TIME TO FILE RESPONSE TO COMPLAINT

This is a civil action filed by plaintiff Jesse Johnson ("plaintiff"), a state prisoner proceeding pro se. This action was initiated by civil complaint filed by plaintiff at the Kern County Superior Court on October 16, 2008 (Case #08C0409). On March 19, 2009, defendants Heck, Prud'Homme, Martinez, Enenmoh, Crum, Clark, Miller, Fouch, and Baires ("defendants") removed the case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(b). (Doc. 1.) In the Notice of Removal, counsel for defendants indicates that defendants received a copy of the summons and complaint on February 17, 2009. Within the Notice of Removal, defendants filed a request for the court to screen plaintiff's complaint under 28 U.S.C. § 1915A and grant defendants an extension of time in which to file a responsive pleading.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).

Plaintiff's complaint alleges that defendants violated his rights when they failed to grant his requests for a wheelchair barrier free access cell, daily showers, knee and ankle supports, and recovery of his lost personal property. Plaintiff also alleges that defendants failed to adequately treat his medical condition. Defendants are all employees of the California Department of Corrections and Rehabilitation ("CDCR"). Because the CDCR is a California state entity, defendants were employed at a state prison, and plaintiff was a prisoner when the alleged events occurred, the court is required to screen the complaint. Therefore, defendants' request for the court to screen the complaint shall be granted. In addition, good cause appearing, the request for an extension of time shall also be granted.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Defendants' request for the court to screen the complaint is GRANTED, and the court shall issue a screening order in due time;
2. Defendants are GRANTED an extension of time until thirty days from the date of service of the court's screening order in which to file a response to the complaint.

IT IS SO ORDERED.

Dated: **April 3, 2009** **/s/ Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE