

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

PAUL C. HAMILTON,

1:09-cv-00579-SMS-PC

Plaintiff,

ORDER GRANTING REQUEST FOR  
SCREENING ORDER

v.

ORDER GRANTING EXTENSION OF  
TIME TO FILE RESPONSE TO COMPLAINT

J. A. YATES, et al.,

Defendants.

\_\_\_\_\_/

This is a civil action filed by plaintiff Paul C. Hamilton (“plaintiff”), a state prisoner proceeding pro se. This action was initiated by civil complaint filed by plaintiff at the Fresno County Superior Court on July 14, 2008 (Case #08CECG02352). On March 30, 2009, defendants Yates, Mattingly, Trimble and Spearman (“defendants”) removed the case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(b). (Doc. 2.) In the Notice of Removal, counsel for defendants indicates that defendants received a copy of the summons and a blank complaint on February 26, 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 he was discriminated against, subjected to inhumane prison conditions, denied outdoor exercise, and retaliated against while incarcerated, by defendants who

1 are all employees of the California Department of Corrections and Rehabilitation ("CDCR").  
2 Because the CDCR is a California state entity, defendants were employed at a state prison, and  
3 plaintiff was a prisoner when the alleged events occurred, the court is required to screen the  
4 complaint. Therefore, defendants' request for the court to screen the complaint shall be granted. In  
5 addition, good cause appearing, the request for an extension of time shall also be granted.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

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

11 IT IS SO ORDERED.

12 **Dated:** April 6, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE