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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GEORGE BERRY STRONG,

1:09-cv-00583-GSA-PC

Plaintiff,

ORDER GRANTING REQUEST FOR  
SCREENING ORDER

v.

ORDER GRANTING EXTENSION OF  
TIME TO FILE RESPONSE TO COMPLAINT

KENNETH ELLIOT,

Defendant.

\_\_\_\_\_/

This is a civil action filed by plaintiff George Berry Strong (“plaintiff”), a state prisoner proceeding pro se. This action was initiated by civil complaint filed by plaintiff at the Kings County Superior Court on January 16, 2009 (Case #09C0022). On March 30, 2009, defendant Elliot (“defendant”) 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 defendant indicates that defendant received a copy of the complaint on February 26, 2009. Within the Notice of Removal, defendant filed a request for the court to screen plaintiff’s complaint under 28 U.S.C. § 1915A and grant defendant 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 his rights to be free from cruel and unusual punishment under the Eighth Amendment were violated when defendant Elliot, a correctional counselor employed by the California Department of Corrections and Rehabilitation (“CDCR”), intimidated, harassed, and

1 abused him. Plaintiff also alleges that his rights to be free from slavery were violated by defendant  
2 Elliot when he failed to adequately classify plaintiff, falsified medical documents, and forced  
3 plaintiff to perform work details that caused him bodily harm. Because the CDCR is a California  
4 state entity, defendant was employed at a state prison, and plaintiff was a prisoner when the alleged  
5 events occurred, the court is required to screen the complaint. Therefore, defendant's request for the  
6 court to screen the complaint shall be granted. In addition, good cause appearing, the request for an  
7 extension of time shall also be granted.

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

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

13  
14 IT IS SO ORDERED.

15 **Dated: April 3, 2009**

/s/ Gary S. Austin  
16 UNITED STATES MAGISTRATE JUDGE