

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ANDERSON,
Plaintiff,
vs.
A. HEDGPETH, et al.,
Defendants.

Case No. 1:09-cv-01029 JLT (PC)
**ORDER DENYING MOTION TO
VACATE SCREENING ORDER**
(Doc. 14)

A. HEDGPETH, et al.,

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On November 8, 2010, the Court issued a screening order dismissing Plaintiff's complaint with leave to amend. Therein, the Court noted, among other things, that it appeared from the complaint that Plaintiff had not complied with the presentation requirement set forth in the California Tort Claims Act ("CTCA"). The Court advised Plaintiff in this regard that unless he is able to demonstrate compliance with the CTCA, he may not proceed with his state law claims in this action. (Doc. 12 at 7.)

On November 29, 2010, Plaintiff filed the instant motion requesting the Court vacate its screening order. Therein, Plaintiff argues that he has satisfied CTCA's presentation requirement. As proof, Plaintiff attaches several exhibits to his motion relating to correspondence between him and the Victim Compensation and Government Claims Board. From these documents, it appears that Plaintiff has presented his claims to the Board on August 18, 2008. (Doc. 14 at 1-13.)

1 Plaintiff is advised to attach his exhibits demonstrating his compliance with the CTCA to his
2 amended complaint, should he elect to file one. The Court will then duly evaluate Plaintiff's
3 compliance with the CTCA upon screening of the amended complaint. Plaintiff's November 29,
4 2010, motion to vacate the screening order is therefore DENIED as being unnecessary.

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6 IT IS SO ORDERED.

7 Dated: December 6, 2010

8 /s/ Jennifer L. Thurston
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UNITED STATES MAGISTRATE JUDGE