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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOHN GOOD,

Case No.: 1:09-cv-01791 JLT (PC)

12 Plaintiff,

ORDER DISMISSING CERTAIN CLAIMS
AND AUTHORIZING SERVICE OF THE
AMENDED COMPLAINT

13 vs.

14 CALIFORNIA DEPARTMENT
OF CORRECTIONS, et al.,

(Doc. 35)

15 Defendants.
16 _____ /

17 Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a civil rights action
18 pursuant to 42 U.S.C. § 1983. By order filed November 17, 2010, the Court screened Plaintiff amended
19 complaint and found that it appears to state cognizable Eighth Amendment claims against Defendants
20 Trayham and Kelly regarding the prison's shower policy and cognizable First Amendment retaliation
21 claims against Defendants Trayham, Kelly, and Remdez. (Doc. 32.) The Court also found, however,
22 that Plaintiff's remaining allegations regarding his conditions of confinement, his limited access to the
23 law library, and the denial of his inmate grievances fails to state a cognizable claim. Plaintiff was
24 therefore provided an opportunity to file a second amended complaint or, in the alternative, notify the
25 Court of his willingness to proceed only on the claims found cognizable by the Court in its screening
26 order. On December 15, 2010, Plaintiff notified the Court that he wished to proceed on his cognizable
27 claims. (Doc. 35.)

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's December 15, 2010, motion to amend (Doc. 25) is granted to the extent that Plaintiff has opted against filing an amended complaint in favor of proceeding on the claims already found cognizable by the Court in its November 17, 2010, screening order;
2. Plaintiff's Eighth Amendment claims against Defendants Trayham and Kelly regarding his moldy mattress and contaminated food are dismissed;
3. Plaintiff's claims regarding the denial of access to the law library are dismissed;
4. Plaintiff's due process claims regarding the denial of his inmate grievances and appeals are dismissed;
5. This action shall proceed on Plaintiff's Eighth Amendment claims against Defendants Trayham and Kelly regarding the prison's shower policy and Plaintiff's First Amendment retaliation claims against Defendants Trayham, Kelly, and Remdez;
6. Service of the amended complaint is therefore appropriate for the following defendants: Trayham, Kelly, and Remdez;
7. The Clerk of the Court shall send Plaintiff three (3) USM-285 forms, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the endorsed amended complaint filed November 8, 2010;
8. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:
 - a. One completed USM-285 form for each defendant listed above;
 - b. One completed summons; and
 - c. Four (4) copies of the endorsed amended complaint filed November 8, 2010;
9. Plaintiff need not attempt service on the defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs;

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1 10. Plaintiff is cautioned that failure to comply with this order will result in the dismissal of
2 this action. See Fed. R. Civ. P. 41(b).

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4 IT IS SO ORDERED.

5 Dated: December 20, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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