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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BILAL AHDOM,	)	1:09-cv-1874-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S
	)	ADMINISTRATIVE NOTICE AND
v.	)	MOTION REQUESTING CLARITY AS
	)	MOOT
S. LOPEZ, et al.,	)	(ECF No. 92)
	)	
Defendants.	)	
	)	

Plaintiff Bilal Ahdom (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. On March 31, 2012, the Court screened Plaintiff’s first amended complaint pursuant to 28 U.S.C. § 1915A, and found that it stated an Eighth Amendment claim against Defendants Araich, Chen, Shittu, Ashby, S. Lopez, Spaeth, and Schaefer for deliberate indifference to his medical needs. (ECF No. 31.) Following service of the first amended complaint, Defendants Chen, Lopez, Schaefer and Spaeth filed an answer to the complaint on July 19, 2012, and the Court opened discovery in this matter on July 23, 2012. (ECF Nos. 37, 39.) Defendants Shittu and Araich also filed an answer to the first amended complaint. (ECF No. 54.)

On November 8, 2012, Defendant Ashby filed a motion to dismiss for failure to state a claim. (ECF No. 53.) On June 26, 2013, the Court granted Defendant Ashby’s motion to dismiss and granted Plaintiff leave to amend his claim for deliberate indifference in violation of the Eighth Amendment against Defendant Ashby. (ECF No. 74.)

1 On August 29, 2013, Plaintiff filed his second amended complaint, which named  
2 Defendant Ashby as the sole defendant. (ECF No. 77.) As Plaintiff only named Defendant  
3 Ashby in his second amended complaint, it was unclear whether Plaintiff understood that he  
4 could continue to pursue his claims against all defendants following the motion to dismiss or  
5 whether he intended to proceed in this action solely against Defendant Ashby. Accordingly, on  
6 September 3, 2013, the Court directed Plaintiff to inform the Court if (1) he intended to proceed  
7 only against Defendant Ashby; or (2) he intended to proceed against Defendants Araich, Chen,  
8 Shittu, S. Lopez, Spaeth and Schaefer, along with Defendant Ashby, for deliberate indifference  
9 to his medical needs and he required additional time to file a third amended complaint. (ECF  
10 No. 78.)

11 On September 20, 2013, Plaintiff informed the Court that he intended to proceed against  
12 Defendants Araich, Chen, Shittu, S. Lopez, Spaeth and Schaefer, along with Defendant Ashby.  
13 Plaintiff therefore requested a forty-five day extension of time to November 1, 2013, to file a  
14 third amended complaint. (ECF No. 81.) Following extensions of time, Plaintiff filed his third  
15 amended complaint on November 18, 2013. (ECF No. 90.)

16 On November 20, 2013, Plaintiff filed the instant notice and motion for clarity.  
17 According to the motion, Plaintiff served a copy of the third amended complaint on counsel for  
18 Defendant Ashby, but he was unclear as to whether or not he was required to send or serve a  
19 copy of the third amended complaint on the remaining defendants. Plaintiff therefore asks  
20 whether he is required to mail a copy of the third amended complaint to all defendants. (ECF  
21 No. 92.) Defendants Araich, Chen, Shittu, S. Lopez, Spaeth and Schaefer (along with Defendant  
22 Ashby) all have filed motions to dismiss the third amended complaint. (ECF Nos. 94, 95, 96.)  
23 This indicates their receipt of the third amended complaint. Accordingly, Plaintiff's request for  
24 clarity is DENIED.

25 IT IS SO ORDERED.

26 Dated: May 23, 2014

27 /s/ Barbara A. McAuliffe  
28 UNITED STATES MAGISTRATE JUDGE