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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BILAL AHDOM,	)	1:09-cv-1874-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER RE: PLAINTIFF’S SECOND
	)	AMENDED COMPLAINT
v.	)	
	)	(ECF No. 77)
S. LOPEZ, et al.,	)	
	)	FOURTEEN-DAY DEADLINE
Defendants.	)	
	)	

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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.)

On November 8, 2012, Defendant Ashby filed a motion to dismiss for failure to state a claim. (ECF No. 53.)

On November 13, 2012, Defendants Shittu and Araich filed an answer to the first amended complaint. (ECF No. 54.)

1 On June 26, 2013, the Court granted Defendant Ashby's motion to dismiss and granted  
2 Plaintiff leave to amend his claim for deliberate indifference in violation of the Eighth  
3 Amendment against Defendant Ashby. (ECF No. 74.)

4 On August 29, 2013, Plaintiff filed his second amended complaint, which names  
5 Defendant Ashby as the sole defendant. (ECF No. 77.)

6 Plaintiff's second amended complaint supercedes his first amended complaint. Lacey v.  
7 Maricopa Cnty., 693 F.3d 896, 927 (9th Cir. 2012) (en banc). As Plaintiff only names Defendant  
8 Ashby in his second amended complaint, it is unclear whether Plaintiff understood that he could  
9 continue to pursue his claims against all defendants following the motion to dismiss or whether  
10 he intends to proceed in this action solely against Defendant Ashby. In order to proceed against  
11 Defendants Araich, Chen, Shittu, S. Lopez, Spaeth, and Schaefer for deliberate indifference to  
12 his medical needs, his complaint must have included claims against these defendants and he  
13 could not rely on his first amended complaint.

14 Accordingly, Plaintiff is hereby directed to inform the Court within fourteen (14) days  
15 from service of this order if (1) he intends to proceed only against Defendant Ashby; or (2) he  
16 intends to proceed against Defendants Araich, Chen, Shittu, S. Lopez, Spaeth and Schaefer,  
17 *along with Defendant Ashby*, for deliberate indifference to his medical needs and he requires  
18 additional time to file a third amended complaint.

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20 IT IS SO ORDERED.

21 Dated: September 3, 2013

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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