

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRUCE PATRICK HANEY,

Plaintiff,

v.

L. EPTSTEIN, et al.,

Defendants.

CASE NO. 1:10-cv-01506-OWW-SMS PC

ORDER GRANTING DEFENDANTS' REQUEST FOR RELIEF FROM RESPONDING TO THE COMPLAINT, AND FOR A FORTY-FIVE DAY EXTENSION OF TIME TO RESPOND TO THE COMPLAINT, TO COMMENCE UPON ISSUANCE OF SCREENING ORDER

(Doc. 1)

ORDER DIRECTING DEFENDANTS TO OMIT ALLEN, FOSTON, AND JONES FROM DEFENDANTS' FILINGS IF THEY ARE NOT REPRESENTED BY THE ATTORNEY GENERAL'S OFFICE

(Doc. 2)

Plaintiff Bruce Patrick Haney is a state prisoner proceeding pro se in this civil action for violation of his rights under 42 U.S.C. § 1983. Defendants Epstein, Rodriguez, Shelton, Gonzales, Jennings, Comaites, and Vella (Defendants) removed this action from Kings County Superior Court on August 19, 2010. 28 U.S.C. § 1441(b). Defendants request to be relieved of their obligation to respond to the complaint pending screening by the Court pursuant to 28 U.S.C. § 1915A. Fed. R. Civ. P. 81(c)(2). Defendants seek a forty-five day extension of time to respond to the complaint, to commence upon issuance of the screening order, which shall be granted.

In the original notice of removal, the defendants are listed in the caption and in the body as Epstein, Rodriguez, Shelton, Gonzales, Jennings, Comaites, Vella, Allen, Foston, and Jones. An

1 amended notice of removal was subsequently filed, and included a footnote stating that Allen,
2 Foston, and Jones have not been served and have not requested representation by the Attorney
3 General's Office to Defendants' knowledge, and no appearance is made on their behalf.
4 Nevertheless, Allen, Foston, and Jones are still included in the caption and in the body of the notice.
5 If Allen, Foston, and Jones are not represented by the Attorney General's Office, they need to be
6 omitted from reference in the caption and the body of Defendants' filings.

7 Based on the foregoing, it is HEREBY ORDERED that:

- 8 1. Defendants' motion for an extension of time is GRANTED;
- 9 2. Defendants have **forty-five (45) days** to file a response to Plaintiff's complaint, to
10 commence upon issuance of the screening order directing them to respond; and
- 11 3. Defendants shall omit Allen, Foston, and Jones from Defendants' filings if they are
12 not represented by the Attorney General's Office.

13
14 IT IS SO ORDERED.

15 **Dated: October 8, 2010**

16 /s/ Sandra M. Snyder
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28