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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

KEVIN FIELDS,

1:10-cv-01764-GSA-PC

Plaintiff,

ORDER FOR DEFENDANT ROSENTHAL TO  
FILE RESPONSE TO SECOND AMENDED  
COMPLAINT WITHIN THIRTY DAYS  
(Doc. 17.)

vs.

R. ROSENTHAL,

Defendant.

Kevin Fields (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action by civil complaint at the Kings County Superior Court on August 11, 2010 (Case #10-C0309). On September 23, 2010, defendant Rosenthal (“Defendant”) removed the case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(b). (Doc. 1.)

On October 7, 2010, Plaintiff filed the First Amended Complaint. (Doc. 5.) The Court screened the First Amended Complaint pursuant to 28 U.S.C. § 1915A and entered an order on May 21, 2012, giving Plaintiff two options, (1) to file a Second Amended Complaint, or (2) to notify the Court of his willingness to proceed on the claims found cognizable by the Court. (Doc. 9.) On May 29, 2012, Plaintiff filed written notice that he was willing to proceed on the claims found cognizable by the Court. (Doc. 11.)

On June 20, 2012, Defendant filed a motion to dismiss the First Amended Complaint for failure to state a claim. (Doc. 12.) On July 5, 2012, Plaintiff filed a motion for reconsideration of

1 the Court's May 21, 2012 screening order. (Doc. 13.) On July 26, 2012, the Court entered an order  
2 denying Plaintiff's motion for reconsideration and giving Plaintiff two options, (1) to file a Second  
3 Amended Complaint, or (2) to notify the Court of his willingness to proceed on the claims found  
4 cognizable by the Court. (Doc. 16.) On August 22, 2012, Plaintiff filed a Second Amended  
5 Complaint. (Doc. 17.) On August 24, 2012, the Court denied Defendant's motion to dismiss as  
6 moot. (Doc. 18.)

7 At this stage of the proceedings, Defendant is required to file a response to Plaintiff's Second  
8 Amended Complaint.

9 Accordingly, IT IS HEREBY ORDERED that Defendant Rosenthal shall file a response to  
10 Plaintiff's Second Amended Complaint within thirty days of the date of service of this order.

11  
12 IT IS SO ORDERED.

13 **Dated: October 25, 2012**

**/s/ Gary S. Austin**  
**UNITED STATES MAGISTRATE JUDGE**