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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,
Plaintiff,
v.
JEFFREY A. BEARD, et al.,
Defendants.

Case No. 1:10-cv-01918 LJO DLB PC
ORDER GRANTING PLAINTIFF LEAVE
TO FILE SECOND AMENDED
COMPLAINT

Plaintiff Garrison S. Johnson (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

Plaintiff filed his initial complaint on October 14, 2010. On May 4, 2011, the Court screened Plaintiff’s complaint and directed service against Defendants Matthew Cate and Kelly Harrington. On July 18, 2011, Defendants filed a motion to dismiss for failure to state a claim. On January 11, 2012, Defendants’ motion was granted and Plaintiff was granted leave to file a First Amended Complaint. On February 6, 2012, Plaintiff filed a First Amended Complaint. On September 11, 2012, the Court screened the First Amended Complaint and issued a Findings and Recommendation that recommended the action be dismissed with prejudice for failure to state a claim upon which relief may be granted. On December 19, 2012, the District Court adopted the Findings and Recommendation and dismissed the action. Petitioner appealed to the Ninth Circuit Court of Appeals. On July 31, 2014, the Ninth Circuit determined that dismissal without

1 leave to amend was premature, because it was not absolutely clear that the deficiencies of
2 Plaintiff's complaint could not possibly be cured by amendment. Accordingly, the Ninth Circuit
3 vacated the judgment and remanded the matter to this Court to allow Johnson another
4 opportunity to file an amended complaint.

5 In accordance with the Ninth Circuit's mandate, Plaintiff is GRANTED thirty (30) days
6 to file a Second Amended Complaint.

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8 IT IS SO ORDERED.

9 Dated: September 2, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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