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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS,

Plaintiff,

v.

MARGARET MIMS, et al.,

Defendants.

CASE NO. 1:11-cv-000739-AWI-GBC (PC)

ORDER DISREGARDING SECOND  
AMENDED COMPLAINT AND DIRECTING  
CLERK’S OFFICE TO FILE SECOND  
AMENDED COMPLAINT IN CASE NUMBER  
1:11-cv-00748-AWI-SKO AS A FIRST  
AMENDED COMPLAINT

\_\_\_\_\_/ Doc. 14

On May 9, 2011, Plaintiff Michael Eugene Hollis (“Plaintiff”), a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. Doc. 1. On October 17, 2011, the Court issued a screening order, dismissing Plaintiff’s complaint, with leave to amend. Doc. 7. On November 9, 2011, the Court granted Plaintiff’s motion for a sixty day extension of time to file an amended complaint. Doc. 9. On January 20, 2012, Plaintiff filed a first amended complaint. Doc. 10. On March 23, 2012, Plaintiff filed the exhibits to his first amended complaint. Doc. 13. The Court has not screened Plaintiff’s first amended complaint in this action.

On May 10, 2011, Plaintiff filed *Hollis v. Laird, et al.*, 1:11-cv-00748-AWI-SKO, as a separate civil action in this district. On March 22, 2012, the Court issued a screening order, dismissing Plaintiff’s complaint, with leave to amend. Doc. 10. On April 11, 2012, the Court granted Plaintiff’s motion for a sixty day extension of time to file a first amended complaint. Doc. 12.

On June 18, 2012, Plaintiff filed a second amended complaint in this case, listing the case number for this civil action. Doc. 14. The Court has reviewed the allegations in the second amended

1 complaint and finds that Plaintiff intended to file this pleading in the separate action of *Hollis v.*  
2 *Laird*, 1:11-cv-00748-AWI-SKO. The allegations in his second amended complaint, together with  
3 the timing of Plaintiff's filing, lead the Court to believe Plaintiff intended to file an amended  
4 complaint in the other case. Therefore, Plaintiff's second amended complaint is DISREGARDED  
5 in this civil action, and the Court DIRECTS the Clerk's office to file the second amended complaint  
6 as a first amended complaint in *Hollis v. Laird*, 1:11-cv-00748-AWI-SKO.

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8 IT IS SO ORDERED.

9 Dated: July 5, 2012

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12 UNITED STATES MAGISTRATE JUDGE  
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