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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY NGUYEN,	CASE NO. 1:11-cv-00809-AWI-SKO PC
Plaintiff,	ORDER DENYING MOTION TO RELIEVE
v.	PLAINTIFF FROM EXHAUSTION
M. D. BITER,	REQUIREMENT, AND DENYING MOTION
Defendant.	FOR EXTENSION OF TIME TO AMEND AS
	PREMATURE
	(Docs. 44 and 45)

Plaintiff Anthony Nguyen, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 18, 2011. On December 22, 2011, Plaintiff filed a motion seeking to be excused from exhausting by the Court and a motion seeking an extension of time to amend.

Plaintiff is required to exhaust his claims via the prison’s grievance process prior to filing suit, and he may not seek to be excepted from this requirement by the Court, pre-litigation, so that he may add unexhausted claims to his complaint. 42 U.S.C. § 1997e(a); Jones v. Bock, 549 U.S. 199, 211, 127 S.Ct. 910 (2007); Porter v. Nussle, 435 U.S. 516, 524, 122 S.Ct. 983 (2002). Accordingly, Plaintiff’s motion is denied.

Regarding Plaintiff’s intent to amend, in as much as Plaintiff is expressing an intent to amend to add new parties and new claims which have not been exhausted, Plaintiff is warned that in addition to the exhaustion requirement, he also may not add unrelated claims against unrelated parties to this action. Fed. R. Civ. P. 18(a), 20(a)(2); Owens v. Hinsley, 635 F.3d 950, 952 (7th Cir. 2011); George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007). Any unrelated claims against unrelated

1 parties will be dismissed from this action for improper joinder, should they be included in Plaintiff's
2 amended complaint. 28 U.S.C. § 1915A.

3 Additionally, Plaintiff was granted a thirty-day extension of time within which to amend on
4 December 13, 2011. Therefore, Plaintiff's motion seeking an additional extension is premature and
5 is denied.

6 For the reasons set forth herein, Plaintiff's motion seeking to be excused from exhausting and
7 Plaintiff's motion for another extension of time to amend are HEREBY DENIED.

8
9 IT IS SO ORDERED.

10 **Dated: December 23, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE