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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WAYNE L. PICKERING,

 Plaintiff,

 v.

ENENMOH,

 Defendant.

Case No. 1:11-cv-00937 LJO DLB PC

**ORDER DIRECTING CLERK OF COURT
TO RETURN PLAINTIFF’S LODGED
THIRD AMENDED COMPLAINT**

(Document 32)

Plaintiff Wayne L. Pickering (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983.

On May 23, 2013, the Court determined that Plaintiff’s Second Amended Complaint did not state any cognizable claims and dismissed it without leave to amend. Plaintiff appealed the dismissal.

On August 1, 2014, the Ninth Circuit reversed in part and remanded the action for further proceedings. The Court determined that, at the screening stage, Plaintiff’s Second Amended Complaint stated a cognizable Eighth Amendment claim against Defendant Enenmoh.

By separate order, Plaintiff was instructed to return service documents.

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On November 21, 2014, Plaintiff lodged a Third Amended Complaint. As this action is proceeding based on the Ninth Circuit’s review of Plaintiff’s Second Amended Complaint, and was remanded on that basis, the Court ORDERS the Clerk of Court to RETURN the lodged Third Amended Complaint to Plaintiff.

This action will proceed on Plaintiff’s Second Amended Complaint.

IT IS SO ORDERED.

Dated: December 2, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE