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

MARCO PEREZ,  
  
                    Plaintiff,  
  
          v.  
  
D. G. ADAMS, et al.,  
  
                    Defendants.

Case No. 1:11-cv-01820-BAM-PC  
  
ORDER GRANTING PLAINTIFF’S  
REQUEST TO SERVE DEFENDANTS  
  
(ECF NOs. 38, 39)  
  
ORDER GRANTING DEFENDANTS’  
REQUEST TO MODIFY SCHEDULING  
ORDER (ECF NO. 42)

Plaintiff Marco Pereiz is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 18, 2015, an order was entered, granting Plaintiff’s motion for leave to amend the complaint, for limited purposes. The Court granted Plaintiff leave to file a new first amended complaint as follows: to substitute Defendants Latraille and Taber for Defendants Carter and Schneider; to reinstate Defendant Hubach, only for his personal participation in the pepper-spray assault against Plaintiff; and to add medical claims against Defendants Pineda, John Doe RN, Nurse Johnson, Nurse Lopez, and Nurse Moss. The Court specifically noted that Plaintiff’s first amended complaint may only include allegations against Defendants C/O Byrum, C/O Pimentel, Latrialle, Taber, Hubach, Pineda, John Doe RN, Nurse Johnson, Nurse Lopez, and Nurse Moss. Plaintiff was specifically cautioned that he shall not be granted leave to reinstate his claims concerning his unclothed body search, supervisory liability or cell conditions.

1 On June 8, 2015, Plaintiff filed a first amended complaint that complied with the Mary  
2 18, 2015, order. On December 8, 2015, Plaintiff filed a motion for the Court to serve the first  
3 amended complaint along with USM 285 forms. Plaintiff has completed and returned to the  
4 Court the USM 285 forms for service. On January 22, 2016, Defendants Byrum and Pimentel  
5 filed a motion to modify the scheduling order. Defendants seek to vacate the current scheduling  
6 order as the new defendants have yet been served. Good cause appearing, the current scheduling  
7 order should be vacated. A new scheduling order will be entered upon the filing of an answer by  
8 the new defendants.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for service is granted. The Clerk's Office is directed to send to  
11 the U.S. Marshal the forms for service of process submitted by Plaintiff on December  
12 8, 2015.
- 13 2. The scheduling order in this action is vacated. A new scheduling order will be  
14 entered upon the filing of an answer by the new defendants.

15 IT IS SO ORDERED.

16 Dated: February 16, 2016

17 /s/ Barbara A. McAuliffe  
18 UNITED STATES MAGISTRATE JUDGE