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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SY LEE CASTLE,

Plaintiff,

v.

C. CHEN,

Defendant.

CASE NO. 1:12-cv-00326-MJS (PC)

ORDER DIRECTING PLAINTIFF TO  
IDENTIFY THE OPERATIVE PLEADING AND  
NOTIFY THE COURT OF HIS SELECTION

(ECF Nos. 8 and 9)

FOURTEEN (14) DAY DEADLINE

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On March 5, 2012, Plaintiff Sy Lee Castle, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court screened the Complaint on February 28, 2013 and determined that Plaintiff stated cognizable inadequate medical care and retaliation claims against Defendant Chen. The Court ordered Plaintiff to complete and return service documents within thirty days. (ECF No. 8.)

Plaintiff filed a First Amended Complaint on March 1, 2013. (ECF No. 9.)

The Court is uncertain whether Plaintiff wishes to proceed on the cognizable claims

1 against Defendant Chen identified in the original complaint or allow that pleading to be  
2 superceded by the First Amended Complaint, which has not been screened and may or  
3 may not allege cognizable claims.  
4

5 Accordingly, it is HEREBY ORDERED THAT:

- 6 1. Within fourteen (14) days of service of this Order, Plaintiff shall notify the  
7 Court in writing whether he wishes to proceed upon the cognizable claims  
8 against Defendant Chen in his original complaint or upon the unscreened  
9 First Amended Complaint; and  
10 2. If Plaintiff fails to provide such notice, the Court will assume Plaintiff wishes  
11 to proceed on the cognizable claims against Defendant Chen in his original  
12 Complaint, in which case the First Amended Complaint (ECF No. 9) shall be  
13 disregarded and service documents previously provided to the Plaintiff shall  
14 be completed and returned to the Court within 30 days following service of  
15 this Order.  
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18 IT IS SO ORDERED.  
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20 Dated: March 5, 2013

1s/ Michael J. Seng  
21 UNITED STATES MAGISTRATE JUDGE  
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