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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES A. MILLER,
Plaintiff,
vs.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

1:12-cv-00353-LJO-GSA-PC
ORDER DENYING MOTION TO EXPEDITE
CASE
(Doc. 38.)

I. BACKGROUND

Charles A. Miller ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action was initiated by civil complaint filed by Plaintiff in the Fresno County Superior Court on June 15, 2010 (Case #10CECG02100). On March 8, 2012, defendants Adonis, Griffith, Gutierrez, Igbinosa, Medina, and Mendez removed the case to federal court and requested the court to screen the complaint under 28 U.S.C. § 1915A. (Docs. 1, 2.) On March 8, 2012, defendants California Department of Corrections and Rehabilitation ("CDCR"), Ahmed, Anderson, Chudy, Duenas, Eddings, Pascual, and Walker joined in the Notice of Removal of Action. (Doc. 4.)

The court screened the Complaint pursuant to 28 U.S.C. § 1915A and issued a Screening Order on October 17, 2013, dismissing the Complaint for violation of Federal Rule

1 of Civil Procedure 8(a), with leave to file an amended complaint not exceeding twenty-five
2 pages. (Doc. 32.) On December 2, 2013, Plaintiff filed the First Amended Complaint, which
3 awaits the court's requisite screening. (Doc. 35.)

4 On June 11, 2014, Plaintiff filed a motion for the court to expedite the screening of his
5 complaint, initiate service of process, and issue a discovery order. (Doc. 38.)

6 **II. PLAINTIFF'S MOTION**

7 Plaintiff requests the court to expedite his case. As Plaintiff was advised in the court's
8 order of July 15, 2013, the court ordinarily screens complaints in the order in which they are
9 filed at the court, and his complaint will be screened in due time. Plaintiff is reminded that
10 service of process and discovery shall not proceed until after the complaint is screened. For
11 these reasons, Plaintiff's motion shall be denied.

12 Plaintiff's motion contains Plaintiff's declaration with fifty-two pages of attachments,
13 including copies of a deposition and other evidence. To the extent that Plaintiff seeks to
14 support the claims in his complaint by submission of these documents, he may not do so in this
15 manner. To add or change information in the complaint, Plaintiff must submit a new amended
16 complaint which is complete in itself, superceding the prior complaint. If Plaintiff wishes to
17 amend the complaint, he should file a motion to amend.

18 **III. CONCLUSION**

19 Based on the foregoing, Plaintiff's motion to expedite his case, filed on June 11, 2014,
20 is DENIED.

21 IT IS SO ORDERED.

22
23 Dated: June 12, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE