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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT JOHNSON,

Plaintiff,

vs.

DR. YULIT, et al.,

Defendants.

1:12-cv-00947-GSA-PC

ORDER IN RESPONSE TO PLAINTIFF’S  
NOTICE OF CLARIFICATION  
(Doc. 30.)

ORDER VACATING DEADLINE FOR  
PLAINTIFF TO FILE MOTION TO AMEND  
(Doc. 28.)

ORDER DIRECTING CLERK TO SEND  
PLAINTIFF A CONFORMED COPY OF  
HIS SECOND AMENDED COMPLAINT  
(Doc. 26.)

**I. BACKGROUND**

Robert Johnson (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on June 1, 2012. (Doc. 1.) On June 19, 2012, Plaintiff consented to the jurisdiction of a Magistrate Judge in this action, and no other parties have appeared. (Doc. 9.)

Plaintiff filed the First Amended Complaint on January 14, 2013. (Doc. 21.) On November 14, 2013, Plaintiff submitted a proposed Second Amended Complaint, which was lodged by the court. (Doc. 24.) After reviewing Plaintiff’s complaints, the court *sua sponte* granted Plaintiff leave to amend, and the Second Amended Complaint was filed on November 20, 2013. (Docs. 25, 26.)

1 On January 15, 2014, Plaintiff submitted another amended complaint which the court  
2 construed as a proposed Third Amended Complaint, which was lodged by the court. (Doc. 27.)  
3 On January 17, 2014, the court issued an order striking the lodged Third Amended Complaint  
4 as improperly submitted without a motion to amend. (Doc. 28.) Plaintiff was granted thirty  
5 days in which to file a motion to amend the complaint, if he so wished. (Id.)

6 On February 3, 2014, Plaintiff filed a notice clarifying the status of his multiple  
7 complaints. (Doc. 30.) Plaintiff explains that the amended complaint he submitted on January  
8 15, 2014 was not intended as a proposed Third Amended Complaint, but instead was a copy of  
9 the Second Amended Complaint for the Clerk to conform and return to him.

10 Good cause appearing, the court shall provide Plaintiff with a conformed copy of his  
11 Second Amended Complaint, and the deadline for Plaintiff to file a motion to amend shall be  
12 vacated.

13 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 14 1. The thirty-day deadline for Plaintiff to file a motion to amend, established by the  
15 court's order of January 17, 2014, is VACATED;
- 16 2. The Clerk is directed to send Plaintiff a conformed copy of the Second  
17 Amended Complaint filed on November 20, 2013 (Doc. 26); and
- 18 3. Plaintiff's Second Amended Complaint shall be screened by the court in due  
19 time.

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23 IT IS SO ORDERED.

24 Dated: February 10, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE