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

JOSEPH RAYMOND MCCOY,)	Case No.: 1:12-cv-000983-AWI-SAB (PC)
)	
Plaintiff,)	
)	
v.)	ORDER DENYING PLAINTIFF’S MOTION
)	FOR RELIEF UNDER FEDERAL RULE OF
STRONACH, et al.,)	CIVIL PROCEDURE 8(b)(6)
)	
Defendants.)	[ECF No. 228]
)	
)	
)	

Plaintiff Joseph Raymond McCoy is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for relief under Federal Rule of Civil Procedure 8(b)(6), filed on June 8, 2020. Plaintiff contends that “his Unit Health Care Records (UHR) show that he has a “pre-existing medical condition(s) ‘dissaminated coccidiomycosis [sic]’” which means he is “particularly vulnerable to COVID-19 and which pose a greater risk of death,” which relates to the allegations in the first amended complaint.

Federal Rule of Civil Procedure 8(b)(6) provides, “An allegation ... is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.” (emphasis added). As Defendants were not required to

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respond to Plaintiff specific medical conditions, Plaintiff's request for relief under Rule 8(b)(6) is denied.

IT IS SO ORDERED.

Dated: June 26, 2020



UNITED STATES MAGISTRATE JUDGE