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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOSEPH RAY McCOY,	) Case No.: 1:12cv00983 AWI DLB (PC)
12	Plaintiff,	ORDER REGARDING PLAINTIFF'S MOTION TO FILE SUPPLEMENTAL PLEADING
13	v.	) (Document 27) ) DIRECTING PLAINTIFF TO CLARIFY ) WILLINGNESS TO PROCEED ON COGNIZABLE ) CLAIMS
14	GONZALES, et al.,	
15 16	Defendants.	
17		TWENTY-ONE DAY DEADLINE
18	Plaintiff Joseph Raymond McCov ("	Plaintiff") is a state prisoner proceeding pro se and in
19	forma pauperis in this civil rights action. Plaintiff filed his complaint on June 19, 2012. He filed a	
20	First Amended Complaint on May 10, 2013.	
21	On December 18, 2013, the Court issued an order directing Plaintiff to either file an amended	
22	complaint or notify the Court of his willingness to proceed on the cognizable claims.	
23	On January 2, 2014, Plaintiff notified the Court that he was willing to proceed only on the	
24	cognizable claims. As a result, the Court issued Findings and Recommendations dismissing certain	
25	claims and Defendants on January 9, 2014.	
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On January 27, 2014, Plaintiff submitted service documents and the Court directed the United States Marshal to serve the First Amended Complaint on Defendants Stronach, Gonzales, LeMay, Beltran, Fisher, Snell and Tann.

On January 30, 2014, despite his prior agreement to proceed on the cognizable claims, Plaintiff filed a Motion for Leave to File a Supplemental Pleading. Plaintiff states that he wants to amend his complaint to cure the deficiencies in his allegations against Defendants Kelso and Enenmoh.

Plaintiff's motion is inconsistent with his willingness to proceed only on the cognizable claims.

Accordingly, within twenty-one days, Plaintiff shall CLARIFY his intent. If Plaintiff is willing to proceed on the cognizable claims, he shall notify the Court and the Findings and Recommendations will be adopted and this action will move forward accordingly. If Plaintiff intends to file an amended complaint, he shall notify the Court and the Findings and Recommendations will be vacated. **If Plaintiff elects to amend, his amended complaint will be screened in due course and the January** 

Plaintiff elects to amend, his amended complaint will be screened in due course and the January 27, 2014, order directing service will be vacated.

<sup>6</sup> IT IS SO ORDERED.

Dated: February 4, 2014 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE