

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 MARLON BLACHER,
10 Plaintiff,
11 vs.
12 S. JOHNSON, et al.,
13 Defendants.
14

1:12-cv-1159-EPG-PC

ORDER FOR DEFENDANT JOHNSON TO
FILE ANSWER OR OTHER RESPONSIVE
PLEADING WITHIN THIRTY DAYS

(ECF No. 1.)

15 Marlon Blacher (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
16 with this civil rights action pursuant to 42 U.S.C. § 1983. On February 26, 2014, the Court
17 dismissed this case for failure to exhaust administrative remedies and entered judgment. (ECF
18 Nos. 29, 30.) On March 24, 2014, Plaintiff appealed the judgment to the Ninth Circuit Court of
19 Appeals. (ECF No. 33.) On June 2, 2016, the Ninth Circuit vacated the judgment and
20 remanded the case to this Court for further proceedings. (ECF No. 39.) On June 27, 2016, the
21 Ninth Circuit issued its mandate. (ECF No. 45.)

22 This case now proceeds on the original Complaint against defendant Chief Deputy
23 Warden S. Johnson (“Defendant”), on Plaintiff’s claim concerning unreasonable unclothed
24 body searches. (ECF No. 1.)¹ The parties have consented to Magistrate Judge jurisdiction
25

26 ¹ On September 7, 2012, the Court dismissed Plaintiff’s Complaint for failure to state a claim, without
27 leave to amend, and judgment was entered. (ECF No. 6.) On October 1, 2012, Plaintiff appealed the judgment to
28 the Ninth Circuit Court of Appeals. (ECF No. 9.) On May 16, 2013, the Ninth Circuit affirmed the district court’s
dismissal of Plaintiff’s claim against defendant Davis, but reversed the dismissal of Plaintiff’s claim against
defendant Johnson, remanding the case to the district court for further proceedings. (ECF No. 19.)

1 pursuant to 28 U.S.C. § 636(c), and therefore the undersigned shall conduct all further
2 proceedings in this case, including dispositive rulings, trial, and final judgment. (ECF Nos. 5,
3 26.) At this juncture, defendant Johnson shall be required to file an answer or other pleading
4 responsive to the Complaint.

5 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of service
6 of this order, defendant Chief Deputy Warden S. Johnson shall file an answer or other pleading
7 responsive to the Complaint.

8
9 IT IS SO ORDERED.

10 Dated: July 1, 2016

11 /s/ Eric P. Grogan
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28