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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHESTER RAY WISEMAN,
Plaintiff,
v.
HERRERA, et al.,
Defendants.

Case No. 1:12-cv-01730-AWI-JLT (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART
(Doc. 12)

_____ /

Plaintiff Chester Ray Wiseman (“Plaintiff”) is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On May 1, 2013, the Magistrate Judge filed a Findings and Recommendations which contained notice to Plaintiff that Objections to the Findings and Recommendations were to be filed within fourteen days. Plaintiff requested and received an extension of time to file his objections, with which he complied. (Docs. 13, 14, 15.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. However, with his objections, Plaintiff submitted a Second Amended Complaint which has been lodged. Extending every leniency due a *pro se* inmate to Plaintiff, the Clerk's Office is directed to file the Second

1 Amended Complaint and the matter is referred to the Magistrate Judge for screening.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed on May 1, 2013 (Doc. 12), is adopted in
- 4 part and Plaintiff's First Amended Complaint, filed on February 21, 2013 (Doc. 9)
- 5 is dismissed with leave to amend;¹
- 6 2. The Clerk's Office is directed to file the Second Amended Complaint Lodged on
- 7 May 28, 2013 (Doc. 16); and
- 8 3. The matter is referred to the Magistrate Judge for screening of the Second
- 9 Amended Complaint (Doc. 16).

10 IT IS SO ORDERED.

11 Dated: January 7, 2014



 SENIOR DISTRICT JUDGE

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28 ¹ Plaintiff has already submitted his Second Amended Complaint which will be screened. Nothing in this order should be construed to allow Plaintiff to file any further pleading until his Second Amended Complaint is screened.