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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DARRELL WAYNE KING,

12 Plaintiff,

13 vs.

14 JOHN D. CHOKATOS, et al.,

15 Defendants.  
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1:12-cv-01936-LJO-GSA-PC

ORDER GRANTING REQUEST FOR  
SCREENING ORDER

ORDER GRANTING EXTENSION OF  
TIME TO FILE RESPONSE TO  
COMPLAINT

(Doc. 34.)

17 This is a civil action filed by Darrell Wayne King (“Plaintiff”), a state prisoner  
18 proceeding pro se. Plaintiff filed the Complaint commencing this action on November 29,  
19 2012. (Doc. 1.) The court screened the Complaint pursuant to 28 U.S.C. 1915A and issued an  
20 order on August 19, 2013, finding that Plaintiff states cognizable claims under § 1983 against  
21 defendants Chokatos and Stringer (“Defendants”) for inadequate medical care in violation of  
22 the Eighth Amendment, and seeks to proceed with state law claims for medical malpractice and  
23 professional negligence under 28 U.S.C. § 1937(a). (Doc 10.) The court directed the U.S.  
24 Marshal to serve process upon Defendants. (Id.)

25 On February 18, 2014, Defendants filed a motion to dismiss the Complaint for failure to  
26 exhaust remedies, failure to comply with the California Government Torts Act, and failure to  
27 state a claim for professional negligence against defendant Stringer. (Doc. 16.) On August 25,  
28 2014, the court issued an order granting in part and denying in part Defendants’ motion to

1 dismiss. (Doc. 32.) Plaintiff was ordered to either file an amended complaint or notify the  
2 court of his willingness to proceed only with the claims found cognizable by the court. (Doc.  
3 32.) On September 2, 2014, Plaintiff filed the First Amended Complaint. (Doc. 33.)

4 On September 5, 2014, Defendants filed a request for the court to screen Plaintiff's First  
5 Amended Complaint under 28 U.S.C. § 1915A, and to grant Defendants an extension of time in  
6 which to file a responsive pleading. (Doc. 34.)

7 The Court is required to screen complaints in civil actions in which a prisoner seeks  
8 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.  
9 § 1915A(a). Plaintiff's First Amended Complaint alleges that Defendants, employees of the  
10 California Department of Corrections and Rehabilitation (CDCR) at Pleasant Valley State  
11 Prison in Coalinga, California, violated his rights to adequate medical care, in violation of the  
12 Eighth Amendment of the United States Constitution and state law. Because Plaintiff is a  
13 prisoner and Defendants were employees of the CDCR at a state prison when the alleged events  
14 occurred, the court shall screen the First Amended Complaint. Therefore, Defendants' request  
15 for the Court to screen the First Amended Complaint shall be granted. In addition, good cause  
16 appearing, Defendants shall be granted an extension of time to file a responsive pleading.

17 Based on the foregoing, IT IS HEREBY ORDERED that:

- 18 1. Defendants' request for the Court to screen the First Amended Complaint is  
19 GRANTED, and the court shall issue a screening order in due time; and
- 20 2. Defendants are GRANTED an extension of time until thirty days from the date  
21 of service of the Court's screening order in which to file a response to the First  
22 Amended Complaint.

23  
24 IT IS SO ORDERED.

25 Dated: September 8, 2014

26 /s/ Gary S. Austin  
27 UNITED STATES MAGISTRATE JUDGE  
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