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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. PAYAN,	)	1:13cv00807 LJO DLB PC
	)	
Plaintiff,	)	ORDER FINDING COGNIZABLE
	)	CLAIMS IN FIRST AMENDED
vs.	)	COMPLAINT
	)	
H. TATE, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Michael J. Payan (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. Plaintiff filed this action on May 28, 2013.

On May 19, 2015, Defendants filed a timely motion for summary judgment based on Plaintiff’s failure to exhaust his administrative remedies. The motion is pending.

On August 25, 2015, the Court granted Plaintiff’s motion to amend in part.

Plaintiff filed his First Amended Complaint on October 19, 2015.

The Court has screened the First Amended Complaint and finds that it state the following cognizable claims: (1) retaliation in violation of the First Amendment by Defendants Bingamon, Tate, Vu, Shiesha, V. Baniga, Joaquin, D. Longcrier, Does “for L.D. Zamora,” and Does “for J. Lewis;” (2) deliberate indifference to a serious medical need in violation of the Eighth

1 Amendment against Defendants Bingamon, Tate, Vu, Shiesha, Joaquin, Does “for L.D.  
2 Zamora,” Baniga, Longcrier and Does for “J. Lewis;” and (3) negligence<sup>1</sup> against Defendants  
3 Vu, Tate, Shiesha, Baniga, Joaquin, Does “for L.D. Zamora” and Does “for J. Lewis.” Fed. R.  
4 Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550  
5 U.S. 544, 555 (2007).

6 Pursuant to the Court’s August 25, 2015, order, Defendants shall inform the Court, within  
7 thirty (30) days, whether they will (1) accept service for the newly-named (and identified)  
8 Defendants; and (2) update the pending motion for summary judgment based on Plaintiff’s  
9 newly added claims.  
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11 IT IS SO ORDERED.  
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13 Dated: November 3, 2015

/s/ Dennis L. Beck  
14 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>1</sup> The negligence claim is limited to events occurring after February 9, 2013.