1 2 3 4 5 6 7 8	<b>UNITED STATES DISTRICT COURT</b> EASTERN DISTRICT OF CALIFORNIA
<ol> <li>9</li> <li>10</li> <li>11</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> </ol>	ALEX TABATABAEE, Plaintiff, v. BRIAN MARSHALL, et al., Defendants. ) 1:13-cv-00911-LJO-BAM (PC) ) ORDER GRANTING PLAINTIFF'S ) MOTION REGARDING LODGED SECOND ) AMENDED COMPLAINT ) (ECF No. 12) ) ORDER DIRECTING CLERK OF COURT ) ORDER DIRECTING CLERK OF COURT ) ORDER NEW CASE WITH LODGED ) SECOND AMENDED COMPLAINT (ECF ) No. 11) ) ) ORDER STRIKING LODGED SECOND ) AMENDED COMPLAINT FROM THIS ) ACTION (ECF No. 11) )
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> <li>28</li> </ol>	Plaintiff Alex Tabatabaee ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on June 17, 2013. On June 28, 2013, Plaintiff filed a first amended complaint. (ECF No. 7.) On August 11, 2014, a second amended complaint was lodged in this action. (ECF No. 11.) On September 2, 2014, Plaintiff filed a notice that the lodged second amended complaint was intended to be a filed as a new action. (ECF No. 13.) On September 15, 2014, Plaintiff filed motion requesting that his lodged complaint be filed as a new action. (ECF No. 12.)

Having considered Plaintiff's moving papers, his request is HEREBY GRANTED. The Clerk of the Court is DIRECTED to file Plaintiff's lodged Second Amended Complaint (ECF No. 11) in a new action and randomly assign a Magistrate Judge. The lodged second amended complaint shall be STRICKEN from this action.

IT IS SO ORDERED.

Dated: October 1, 2014