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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TINA L. O'CON,

Plaintiff,

v.

JOHN KATAVICH, et al.,

Defendants.

Case No. 1:13-cv-01321-AWI-SKO

ORDER DIRECTING THAT ACTION  
PROCEED AGAINST DEFENDANTS  
PIERCE, KING-EDDINGTON, AND  
NICKELL FOR UNREASONABLE  
SEARCHES AND UNLAWFUL ARREST,  
AND DISMISSING OTHER CLAIMS AND  
PARTIES WITHOUT PREJUDICE

(Docs. 1, 6, and 9)

ORDER REFERRING MATTER BACK TO  
MAGISTRATE JUDGE TO INITIATE  
SERVICE OF PROCESS

Plaintiff Tina L. O'Con, proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § on August 5, 2013. On November 26, 2013, the Magistrate Judge screened Plaintiff's complaint and determined that it stated cognizable claims for relief against Defendant Paul Pierce for unlawful arrest and unlawful search in violation of the Fourth Amendment of the United States Constitution; and against Defendants T. King-Eddington and R. Nickell for an unreasonable strip search in violation of the Fourth Amendment of the United States Constitution. The Magistrate Judge found that Plaintiff's complaint did not state any other claims for relief against any other parties. Plaintiff was ordered to either file an amended complaint or notify the Court of her willingness to proceed against Defendants Pierce, King-Eddington, and Nickell on those claims found to be cognizable.

1 On December 20, 2013, Plaintiff filed a notice stating that she does not wish to file an  
2 amended complaint, and wishes to proceed with those claims found cognizable. (Doc. 9.)  
3 However, Plaintiff requests that her claims found not cognizable "be reserved to amend at a later  
4 date made upon a showing." (Doc. 9, 1:27-28.)

5 Accordingly, based on Plaintiff's notice, the Court HEREBY ORDERS as follows:

- 6 1. This action shall proceed against Defendant Pierce for unlawful arrest and  
7 unreasonable searches in violation of the Fourth Amendment and against  
8 Defendants King-Eddington and Nickell for unreasonable search in violation of the  
9 Fourth Amendment;
- 10 2. All other claims are dismissed from this action for failure to state a claim;
- 11 3. Defendants John Katavich and Aagon Lucas are dismissed from this action for  
12 failure to state a claim;<sup>1</sup> and
- 13 4. This action is referred back to the Magistrate Judge to initiate service of process.

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15 IT IS SO ORDERED.

16 Dated: January 16, 2014

  
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17 SENIOR DISTRICT JUDGE

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28 <sup>1</sup> While the claims against these Defendants are dismissed without prejudice, any attempt to amend the complaint at a  
later date must comply with all Federal Rules of Civil Procedure, including Rule 15(c), as well as the discovery and  
scheduling order issued pursuant to Federal Rule of Civil Procedure 16.