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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SANSONE,
Plaintiff,
vs.
J. C. THOMAS, et al.,
Defendants.

1:13-cv-01942-DAD-EPG-PC
ORDER FOR DEFENDANT THOMAS
TO FILE ANSWER OR OTHER
PLEADING RESPONSIVE TO FIRST
AMENDED COMPLAINT WITHIN
THIRTY DAYS
(ECF No. 27.)

Richard Sansone (“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 filed the Complaint commencing this action on December 2, 2013. (ECF No. 1.) The Court screened the Complaint and found that it stated a cognizable excessive force claim against defendant Correctional Officer J. C. Thomas. (ECF No. 9) The Complaint was served; and on September 2, 2014, defendant Thomas filed an Answer. (ECF No. 14.) On September 5, 2014, the Court issued a Discovery and Scheduling Order establishing deadlines in this case, including an Exhaustion Motion Filing Deadline of August 8, 2016; a Deadline to Amend Pleadings of November 7, 2016; a Discovery Deadline of January 6, 2017; and a Dispositive Motion Deadline of March 6, 2017. (ECF No. 16.)

On September 18, 2014, Plaintiff filed a motion to amend the Complaint, and the motion was granted by the Court on November 13, 2014. (ECF Nos. 20, 26.) Plaintiff’s First

1 Amended Complaint was filed on November 13, 2014. (ECF No. 27.) The Court imposed a
2 stay of discovery pending the Court's screening of the First Amended Complaint. (ECF No.
3 26.)

4 On January 22, 2016, the Court screened the First Amended Complaint and found that it
5 states cognizable claims. (ECF No. 30.) This case now proceeds on the First Amended
6 Complaint against defendants Correctional Officer J. C. Thomas and John Doe #1¹, for use of
7 excessive force in violation of the Eighth Amendment.² (ECF No. 27.)

8 At this stage of the proceedings, defendant Thomas is required to file an Answer or
9 other pleading responsive to the First Amended Complaint. After an Answer is filed, the Court
10 shall issue a new Discovery and Scheduling Order, which shall lift the Court's stay of
11 discovery and set new deadlines.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Within thirty days of the date of service of this order, defendant Thomas shall
14 file an Answer or other pleading responsive the First Amended Complaint; and
- 15 2. Upon the filing of an Answer, the Court shall issue a new Discovery and
16 Scheduling Order, which shall lift the Court's stay of discovery.

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18 IT IS SO ORDERED.

19 Dated: May 6, 2016

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Plaintiff is advised that the John Doe defendant cannot be served by the United States Marshal
27 until Plaintiff has identified him or her and provided information to enable the Marshal to identify and locate the
28 defendant.

² On May 5, 2016, the Court issued an order dismissing all other claims and defendants from this
action, based on Plaintiff's failure to state a claim. (ECF No. 36.)