

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY L. STEWART,

Plaintiff,

v.

D. SMITH, et al.,

Defendants.

Case No. 1:14-cv-00322-DAD-BAM-PC

ORDER DENYING PLAINTIFF’S
MOTIONS FOR SCREENING AND
MOTION TO SUPPLEMENT COMPLAINT
WITH EXHIBITS

(ECF NOs. 23, 24, 25)

Plaintiff Tracy Stewart is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s motions for screening filed on March 28, 2016, and June 20, 2016, (ECF Nos. 24, 25), and to supplement his amended complaint with exhibits filed on January 15, 2016. (ECF No. 23.)

On September 13, 2016, findings and recommendations were entered, recommending that this action proceed on the December 30, 2015, first amended complaint on Plaintiff’s First Amendment and Eighth Amendment claims. Plaintiff’s motions for screening are therefore moot. Regarding Plaintiff’s motion to supplement the amended complaint with exhibits, Plaintiff is advised that for screening purposes, the Court must assume Plaintiff’s factual allegations are true. It is unnecessary for a plaintiff to submit exhibits in support of allegations in the complaint.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motions to screen and to
2 supplement the amended complaint with exhibits are DENIED.

3
4 IT IS SO ORDERED.

5 Dated: September 29, 2016

/s/ Barbara A. McAuliffe
6 UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28