

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

JUAN CARLOS MARTINEZ,
Plaintiff,
v.
BEARD, et al.,
Defendants.

Case No. 1:14-cv-00405-AWI-JLT (PC)

**ORDER FINDING SERVICE OF SECOND
AMENDED COMPLAINT APPROPRIATE
and ORDERING DEFENDANTS FERNANDO,
RN; SAGASTA, RN; AND SONGER M.D. TO
FILE ANSWERS**

(Docs. 31, 32)

60-Day Deadline

Plaintiff, Juan Carlos Martinez, is a state prisoner in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on March 19, 2014. (Doc. 1.)

On November 7, 2014, Defendants filed a request for screening of the Second Amended Complaint. (Doc. 32.) The Court screened the Second Amended Complaint (Doc. 31) pursuant to 28 U.S.C. § 1915A and finds that it states the following cognizable claims for relief under section 1983:¹

(1) against Defendants Pushpini Fernando RN; Bunhom Sagasta, RN; Michael Songer, MD; Deborah Bradford, RN; Jesse A., LVN; and Correctional Officer Butler for

¹ Dismissal of other defendants who were originally named in this action, but who Plaintiff apparently no longer intends to proceed against since not named in the Second Amended Complaint, is being addressed in a concurrently issued findings and recommendations.

1 deliberate indifference to Plaintiff's serious medical condition in violation of the Eighth
2 Amendment;

3 (2) against Defendants Deborah Bradford, RN and Does 3 through 10 for
4 promulgating or implementing a constitutionally deficient policy; and

5 (3) against Defendants Pushpini Fernando, RN; Bunhom Sagasta, RN; Michael
6 Songer, MD; Jesse A., LVN; Correctional Officer Butler; and Does 3 through 10 for negligence
7 under California law.

8 Fed. R. Civ. P. 8(a); *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 512-15 (2002); *Austin v. Terhune*, 367 F.3d 1167, 1171 (9th Cir. 2004); *Jackson v. Carey*, 353 F.3d 750, 754 (9th Cir. 2003); *Galbraith v. County of Santa Clara*, 307 F.3d 1119, 1125-26 (9th Cir. 2002).

9
10 Accordingly, it is HEREBY ORDERED that:

11 1. Defendants request for screening of the Second Amended Complaint, filed on
12 November 7, 2014 (Doc. 32) is GRANTED;

13 2. Service is appropriate for Defendants Jesse A. LVN, Correctional Officer
14 Butler, and Deborah Bradford, RN; and

15 3. Defendants Pushpini Fernando, RN; Bunhom Sagasta, RN; and Michael Songer,
16 MD are directed to file answers to the Second Amended Complaint **within 60 days** of the date of
17 service of this order.

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19 IT IS SO ORDERED.

20 Dated: March 10, 2015

21 /s/ Jennifer L. Thurston
22 UNITED STATES MAGISTRATE JUDGE
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