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

RALPH GARBARINI,)	Case No.: 1:14-cv-01058-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING DEFENDANTS TO FILE A
v.)	RESPONSE TO PLAINTIFF’S FIRST AMENDED
)	COMPLAINT, FILED SEPTEMBER 30, 2015,
WAYNE ULIT, et al.,)	WITHIN THIRTY DAYS FROM THE DATE OF
)	SERVICE OF THIS ORDER
Defendants.)	
)	[ECF No. 50]
)	

Plaintiff Ralph Garbarini is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 24, 2014, the Court this action could proceed against Defendants Wang, Ulit, Moon, and Smith on Plaintiff’s claim of deliberate indifference to a serious medical need, and the Court ordered service of the complaint by the United States Marshal on December 2, 2014. (ECF Nos. 7, 9.)

On February 10, 2015, Defendants filed a motion to dismiss the original complaint. (ECF No. 14.)

On March 30, 2015, Plaintiff filed a motion for summary judgment and the Court ordered Defendants to oppose the motion on or before July 16, 2015. (ECF Nos. 19, 36.)

On June 25, 2015, Defendants’ motion to dismiss was denied, except for dismissal of Plaintiff’s claims against Defendants in their official capacity for monetary damages. (ECF No. 36.)

1 On July 6, 2015, Plaintiff filed a motion for leave to amend the complaint. (ECF No. 37.)
2 Defendants do not oppose Plaintiff's request to amend the complaint. (ECF No. 42.) However,
3 Defendants request that Plaintiff's pending motion for summary judgment be vacated because (1): an
4 amended complaint supersedes the original complaint and the motion for summary judgment is based
5 on the original complaint; (2) Plaintiff recently filed an interlocutory appeal; and (3) if amendment is
6 granted, the Court must screen the amended complaint pursuant to 28 U.S.C. § 1915A. (Id.)

7 Plaintiff's motion to amend the complaint was granted on September 30, 2015, and Plaintiff's
8 first amended complaint lodged on July 6, 2015, was filed. (ECF Nos. 49, 50.) The Court also denied
9 Plaintiff's motion for summary judgment as moot. (ECF No. 49.)

10 The Court has screened Plaintiff's first amended complaint, filed September 30, 2015,¹ and
11 finds that Plaintiff states a cognizable claim for deliberate indifference to a serious medical need
12 against Defendants Wang, Ulit, Moon, and Smith. 28 U.S.C. § 1915A. Accordingly, Defendants are
13 required to file a response to Plaintiff's first amended complaint within **thirty (30)** days from the date
14 of service of this order.

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16 IT IS SO ORDERED.

17 Dated: November 4, 2015


UNITED STATES MAGISTRATE JUDGE

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28 ¹ Plaintiff submitted an identical first amended complaint, which was lodged by the Court on October 13, 2015. (ECF No. 52.)