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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWN ANDERSON,
Plaintiff,
v.
CHRIS KR PAN, et al.,
Defendants.

CASE NO. 1:14-cv-01380-AWI-MJS (PC)
**ORDER REGARDING FIRST AMENDED
COMPLAINT
(ECF NO. 16)
FOURTEEN (14) DAY RESPONSE
DEADLINE**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 4 & 14.)

Plaintiff's complaint (ECF No. 1) was dismissed for failure to state a claim, but he was given leave to amend (ECF No. 5.) On October 3, 2014, Plaintiff filed a first amended complaint. (ECF No. 9.) On October 27, 2014, the Court struck Plaintiff's first amended complaint because it was unsigned. (ECF No. 10.) The Court instructed Plaintiff to file a signed amended pleading within thirty days. (Id.) The Court also noted that the unsigned first amended complaint was substantively deficient, advised Plaintiff of the legal standards applicable to what appeared to be Plaintiff's claims, and instructed Plaintiff to cure the deficiencies in his amended pleading. (Id.)

On December 31, 2014, Plaintiff again filed a first amended complaint. (ECF No. 14.) On January 29, 2015, the Court again struck Plaintiff's first amended complaint

1 because it was unsigned, and again noted that the unsigned first amended complaint
2 was substantively deficient. (ECF No. 15.) Plaintiff was ordered to file a signed amended
3 pleading, curing the noted deficiencies, within thirty days. (Id.)

4 On February 2, 2015, Plaintiff filed a signed first amended complaint. (ECF No.
5 16.) The signed first amended complaint is dated January 28, 2015, one day prior to the
6 Court's most recent screening order. The signed first amended complaint appears to be
7 nearly identical to the unsigned complaints the Court previously found to be deficient.
8 (See ECF Nos. 9 & 14.)

9 Plaintiff seemingly mailed his signed first amended complaint prior to receiving the
10 Court's most recent screening order. Accordingly, the Court will provide Plaintiff an
11 opportunity to withdraw the complaint if he wishes, and to file a signed amended
12 complaint that comports with the Court's screening order. If Plaintiff instead chooses to
13 proceed with screening of the already-filed February 2, 2015 amended complaint, and
14 the allegations are found to be deficient for reasons stated in the Court's prior screening
15 order, the February 2, 2015 amended complaint may be dismissed **without** further leave
16 to amend.

17 Accordingly, Plaintiff is HEREBY ORDERED to notify the Court within **fourteen**
18 **(14) days** whether he will withdraw the February 2, 2015 first amended complaint, or
19 wishes to proceed with screening of that complaint. If Plaintiff fails to timely respond to
20 this order, the Court will proceed with screening of the February 2, 2015 first amended
21 complaint.

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23 IT IS SO ORDERED.

24 Dated: February 10, 2015

/s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE
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