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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES LEOS,

Plaintiff,

v.

RASEY, et al.,

Defendants.

Case No. 1:14-cv-02029-LJO-JLT (PC)
ORDER GRANTING DEFENDANTS' REQUEST FOR SCREENING OF THE SECOND AMENDED COMPLAINT and FINDING COGNIZABLE CLAIMS
(Docs. 17, 18)
RESPONSE DUE WITHIN 30 DAYS

On August 3, 2015, Plaintiff filed the Second Amended Complaint (Doc. 17) which Defendants again request be screened (Doc. 18).

The Court has screened the Second Amended Complaint pursuant to 28 U.S.C. § 1915A and finds that all of the claims Plaintiff attempted to state therein are cognizable, to wit: for deliberate indifference to his serious medical need in violation of the Eighth Amendment and retaliation in violation of the First Amendment against Defendants Officer Rasey and Sergeant Stonestreet; and for negligence under California law against Defendant Officer Rasey. 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).

Accordingly, it is **HEREBY ORDERED** that Defendants' motion for screening of Plaintiff's Second Amended Complaint, filed August 10, 2015 (Doc. 18), is **GRANTED**; all

1 claims Plaintiff asserts therein are cognizable; and within thirty days of the date of service of this
2 order, Defendants are to file a response to the Second Amended Complaint.

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4 IT IS SO ORDERED.

5 Dated: August 26, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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