

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

SAAHDI COLEMAN,
Plaintiff,
v.
FIGUEROA, et al.,
Defendants.

Case No. 1:15-cv-00109 AWI DLB (PC)
ORDER DISREGARDING PLAINTIFF’S
REQUEST FOR ADMINISTRATIVE
REMEDIES TO BE DEEMED EXHAUSTED
(Document 16)

Plaintiff Saahdi Coleman (“Plaintiff”), a state inmate in the custody of the California Department of Corrections and Rehabilitation, is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant

On June 25, 2015, the Court dismissed the complaint with leave to amend. Plaintiff’s amended complaint is due on or about September 2, 2015.

On August 28, 2015, Plaintiff filed a “Request for Administrative Remedies Required by PLRA to be Deemed Exhausted.” Plaintiff appears to be asking the Court to make a finding that he has exhausted his claims.

The failure to exhaust administrative remedies is an affirmative defense, meaning that the Court will not make a determination as to whether Plaintiff exhausted unless and until a defendant raises the issue. Accordingly, Plaintiff’s request is DISREGARDED.

///
///

1 The Court also notes that Plaintiff filed a Request for Judicial Notice on August 28, 2015,
2 in which he asks that the Court take judicial notice of exhibits for his amended complaint.
3 However, Plaintiff has not yet filed an amended complaint. Plaintiff is advised that exhibits, if
4 any, should be attached to his amended complaint.

5
6 IT IS SO ORDERED.

7 Dated: August 31, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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