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

LARRY DONNELL KING, SR.,)	Case No.: 1:15-cv-00414-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER REGARDING DEFENDANTS’
v.)	REQUEST FOR CLARIFICATION OF THE
)	COURT’S AUGUST 23, 2017, DISCOVERY AND
M.D. BITER, et al.,)	SCHEDULING ORDER
)	
Defendants.)	[ECF No. 55]
)	
)	

Plaintiff Larry Donnell King, Sr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Defendants’ request for clarification regarding the Court’s August 23, 2017, discovery and scheduling order, filed August 29, 2017.

On January 30, 2017, the Court granted Defendants’ motion to dismiss as to Defendant Tallerico with leave to amend, and denied the motion to dismiss based on qualified immunity as to Defendants Tarnoff, Acebedo, Castro, Lawless and Biter. (ECF No. 33.) On February 13, 2017, Plaintiff notified the Court of his intent not to file an amended complaint and to proceed on his claims against Defendants Tarnoff, Acebedo, Castro, Lawless and Biter. (ECF No. 34.) On February 15, 2017, the Court directed the Clerk of Court to terminate Defendant Tallerico and ordered all other named Defendants to file a response to the complaint within twenty days. (ECF No. 35.)

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1 On March 7, 2017, Defendants filed an answer to the complaint. (ECF No. 36.) On March 8,
2 2017, the Court issued the discovery and scheduling order. (ECF No. 37.)

3 On June 12, 2017, Plaintiff filed a motion to amend the complaint, along with a copy of a
4 second amended complaint. (ECF No. 43.) On July 5, 2017, Defendants filed a statement of non-
5 opposition to Plaintiff's motion to amend. (ECF No. 45.) On July 24, 2017, the Court granted
6 Plaintiff's motion to amend the complaint to clarify the date of the first incident as October 18, 2011,
7 not August 10, 2011, and granted Defendants thirty days to file a response to the second amended
8 complaint. (ECF No. 48.)

9 On August 22, 2017, Defendants filed an answer to the second amended complaint. (ECF No.
10 53.) In light of Defendants' answer, the Court issued a subsequent discovery and scheduling order on
11 August 23, 2017, setting new deadlines for the filing of dispositive motions, amendment of the
12 pleadings, and discovery. (ECF No. 54.)

13 Defendants now seek clarification that the second scheduling order issued August 23, 2017, is
14 the controlling scheduling order in this case. The Court advises the parties that the August 23, 2017,
15 order supersedes the initial discovery and scheduling order and is the controlling order in this case in
16 light of the fact that Plaintiff amended the complaint and additional discovery may be necessary.

17
18 IT IS SO ORDERED.

19 Dated: August 31, 2017



UNITED STATES MAGISTRATE JUDGE