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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,  
Plaintiff,  
v.  
S. HONNOLD,  
Defendant.

CASE NO. 1:15-cv-01118-LJO-MJS  
ORDER REQUIRING PLAINTIFF TO  
CLARIFY  
(ECF No. 15)  
THIRTY (30) DAY 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. 1 & 6.) No other parties have appeared in the action.

On September 10, 2015, the Court screened Plaintiff's Complaint and concluded that Plaintiff stated a cognizable Eighth Amendment medical indifference claim against Defendant Honnold, but no other claims or Defendants. (ECF No. 12.) The Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on his cognizable claim. On September 25, 2015, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable claim. (ECF No. 13.) On September 29, 2015, the Court issued findings and recommendations to allow Plaintiff to proceed with his cognizable claim and dismiss the

1 remaining retaliation claim. (ECF No. 14.) Plaintiff filed objections to the findings and  
2 recommendations arguing that he stated a cognizable retaliation claim and wanted to  
3 proceed with it.

4 Plaintiff's objections conflict with his notification to the Court that he was willing to  
5 proceed only on his cognizable medical indifference claim.

6 Accordingly, the Court HEREBY ORDERS:

7 Plaintiff, within 30 days from the date of service of this Order, shall clarify  
8 whether he wishes to proceed on his cognizable medical indifference claim  
9 against Defendant Honnold alone or wishes to file an amended complaint  
10 re-pleading his retaliation claim. If Plaintiff wishes to file an amended  
11 pleading, the Court will vacate the findings and recommendations (ECF  
12 No. 14) and issue a new screening order on Plaintiff's amended complaint.

13  
14 IT IS SO ORDERED.

15  
16 Dated: November 12, 2015

*/s/ Michael J. Seng*  
17 UNITED STATES MAGISTRATE JUDGE