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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES JAMIL GARRETT,  
Plaintiff,  
v.  
DR. NGOZI IGBINOSA,  
Defendant.

CASE No. 1:16-cv-00259-MJS (PC)  
**ORDER DIRECTING PLAINTIFF TO FILE  
A SECOND AMENDED COMPLAINT  
THIRTY-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. He has consented to Magistrate Judge jurisdiction. (ECF No. 5.) No other parties have appeared in the action.

On October 12, 2016, Plaintiff's First Amended Complaint was screened and found to state a First Amendment retaliation claim and an Eighth Amendment medical indifference claim against Defendant Dr. Ngozi Igninosa. (ECF No. 15.) Plaintiff's remaining claims were found insufficient to proceed to service. Plaintiff was thus directed

1 to file either a Second Amended Complaint or a notice of his willingness to proceed on  
2 the First Amended Complaint as screened.

3 Plaintiff has now filed a notice of his intent to file an amended pleading, claiming  
4 that he can correct the defects identified in the October 12, 2016, Screening Order.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff shall file a Second Amended Complaint within thirty days from the  
7 date of this Order.
- 8 2. If Plaintiff fails to comply with this order, the undersigned will dismiss this  
9 action for failure to obey a court order and failure to prosecute.

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11 IT IS SO ORDERED.

12 Dated: December 23, 2016

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