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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARINO ANTONIO HERNANDEZ
Plaintiff,
v.
WINFRED M. KOKOR, et al.,
Defendants.

Case No.: 1:16-cv-00716-MJS (PC)
ORDER FOR CLARIFICATION
(ECF No. 16)
TWENTY-ONE DAY DEADLINE

Plaintiff Marino Antonio Hernandez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction. (ECF No. 10.) No other parties have appeared.

On September 1, 2016, the undersigned screened Plaintiff’s complaint and found it stated cognizable Eighth Amendment medical indifference and state law negligence claims against Defendants Dr. Winfred Kokor and Nurse Stronach, but no other cognizable claims. (ECF No. 15.) Plaintiff was invited to proceed on the above claims alone or file an amended complaint curing deficiencies in the non-cognizable claims.

Before the Court is Plaintiff’s September 21, 2016 “Notice to Proceed, and Objections to Plaintiff’s Screening Complaint.” (ECF No. 16.) There Plaintiff states he is willing to proceed on the claims found to be cognizable, but he also states numerous

1 objections to the undersigned's screening Order. As a result, it is unclear to the Court
2 whether Plaintiff wants only to record his objections while proceeding on the claims
3 found cognizable, wants the Court to reconsider its dismissal of his non-cognizable
4 claims, or wants to amend his complaint.

5 Plaintiff's notice of willingness to proceed suggests his intent to go forward only
6 against Dr. Kokor and Nurse Stronach on the cognizable medical indifference and state
7 tort claims. If that is his intent, no objections to the Court's screening will be addressed.

8 If Plaintiff wants the Court to consider his objections, he must file a motion for
9 reconsideration.

10 If Plaintiff wishes to amend his complaint, he must file an amended complaint
11 instead of the notice of intent to proceed.

12 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of this Order,
13 Plaintiff shall file a notice clarifying his intentions as to how he wants to proceed. If
14 Plaintiff fails to respond to this Order, his case may be dismissed for failure to comply
15 with a Court Order.

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17 IT IS SO ORDERED.

18 Dated: September 27, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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