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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 EVERETT HOLLAND,  
12 Plaintiff,  
13 vs.  
14 C. SCHUYLER, et al.,  
15 Defendants.  
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1:16-cv-01271-DAD-GSA-PC

ORDER GRANTING DEFENDANTS'  
REQUEST FOR SCREENING ORDER

ORDER GRANTING EXTENSION OF  
TIME FOR DEFENDANTS TO FILE  
RESPONSE TO FIRST AMENDED  
COMPLAINT

(ECF No. 21.)

21 This is a civil action filed by Everett Holland ("Plaintiff"), a state prisoner proceeding  
22 pro se. This action was initiated by civil complaint filed by Plaintiff in the Kern County  
23 Superior Court on September 29, 2015 (Case #BCV 15 101147 DRL). On August 26, 2016,  
24 defendants Esmond, Haak, Hunley, Maciejewski, and Schuyler ("Defendants") removed the  
25 case to federal court by filing a Notice of Removal of Action pursuant to 28 U.S.C. § 1441(c).  
26 (ECF No. 1.)

27 On August 22, 2017, the court screened the Complaint under 28 U.S.C. § 1915A and  
28 issued an order dismissing the Complaint for failure to state a claim, with leave to amend.

1 (ECF No. 13.) On November 20, 2017, Plaintiff filed the First Amended Complaint. (ECF No.  
2 20.)

3 On December 1, 2017, Defendants requested the court to screen Plaintiff's First  
4 Amended Complaint under 28 U.S.C. § 1915A and grant Defendants an extension of time in  
5 which to file a responsive pleading. (ECF No. 21.) On January 8, 2018, Plaintiff filed an  
6 opposition to Defendants' request for extension of time. (ECF No. 22.)

7 The Court is required to screen complaints in civil actions in which a prisoner seeks  
8 redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.  
9 § 1915A(a). Plaintiff's First Amended Complaint alleges that Defendants, employees of the  
10 California Department of Corrections and Rehabilitation (CDCR) at California Correctional  
11 Institution in Tehachapi, California, violated his civil rights under the Fourteenth Amendment  
12 of the United States Constitution. Because Plaintiff is a prisoner and Defendants were  
13 employees of the CDCR at a state prison when the alleged events occurred, the court is  
14 required to screen the complaint. Therefore, Defendants' motion for the court to screen the  
15 First Amended Complaint shall be granted.

16 Plaintiff opposes Defendants' request for extension of time arguing that this case has  
17 been pending since September 29, 2015, and Defendants have had ample time to file an answer  
18 to the complaint. Plaintiff argues that he will be prejudiced if there is further delay.

19 Notwithstanding Plaintiff's opposition, the court finds good cause to grant Defendants  
20 an extension of time. Requiring Defendants to file an answer before the court has completed  
21 the screening process will not prejudice Plaintiff as the court's screening will decide which  
22 Defendants and claims, if any, are allowed to move forward. Until the screening is completed  
23 the court finds no good reason to require Defendants to answer the complaint, and any delay is  
24 expected at this stage of the proceedings. Therefore, good cause appearing, the motion for  
25 extension of time shall also be granted.

26 Based on the foregoing, IT IS HEREBY ORDERED that:

- 27 1. Defendants' request for the court to screen the First Amended Complaint is  
28 GRANTED, and the Court shall issue a screening order in due course;

