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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ALFRED CUNHA,
Plaintiff,
v.
CALIFORNIA FORENSIC MEDICAL
GROUP, et al.,
Defendants.

**CASE NO. 1:17-cv-00094-DAD-MJS
(PC)**

**ORDER DIRECTING PLAINTIFF TO
FILE EITHER AN AMENDED
COMPLAINT OR A NOTICE OF
VOLUNTARY DISMISSAL**

(ECF No. 14)

FOURTEEN DAY DEADLINE

Plaintiff is a county jail inmate proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On May 16, 2017, Plaintiff's first amended complaint was dismissed with thirty days leave to amend. (ECF No. 13.)

On June 9, 2017, Plaintiff filed a "Motion to File an Appeal." (ECF No. 14.) Plaintiff complains that his limited education and lack of access to legal resources have rendered him unable to "complete [his] civil rights complaint to the Court's satisfaction."

It is unclear from this filing what Plaintiff wishes to do.

To the extent Plaintiff is asking this Court to reconsider its screening Order, he

1 does not say what part of the Order he wants reconsidered and he does not identify
2 grounds for reconsideration.

3 To the extent Plaintiff seeks higher review, his case is not yet ripe, ready, for
4 review by the District Court Judge or the Ninth Circuit Court of Appeal because, since this
5 Court granted leave to amend to address the deficiencies identified by the Court, there is
6 as yet no dispositive order for him to appeal. If Plaintiff wishes to stand on his first
7 amended complaint and have the District Judge or Appellate Court review it, he can take
8 no further action, and the undersigned will recommend the case be dismissed. Plaintiff
9 can then challenge the dismissal.

10 However, Plaintiff is reminded that he was granted “leave to amend”. That gives
11 him an opportunity to try to fix what was wrong with his first amended complaint. If he
12 chooses to amend, he can and should review the Court’s Order to see what problems
13 and deficiencies the Court found with his first amended compliant and then try to correct
14 them in a revised version of that complaint called a “Second Amended Complaint.” It is
15 not required that one have legal training to do that.

16 Thus, Plaintiff is hereby DIRECTED to notify the Court, within fourteen days,
17 whether he seeks reconsideration of the undersigned’s screening Order; if so, he must
18 identify where he thinks the Order is wrong and why he thinks it is wrong. Otherwise, he
19 must, within fourteen days of this order, file either an amended complaint or a notice of
20 voluntary dismissal. Failure to respond to this order may result in the dismissal of
21 Plaintiff’s case.

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23 IT IS SO ORDERED.

24 Dated: June 14, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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