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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LIPSEY, JR.,)	1:17-cv-00569-LJO-BAM (PC)
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION
vs.)	TO STRIKE
DR. REDDY, et al.,)	(ECF No. 13)
Defendants.)	

Plaintiff Christopher Lipsey (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

Currently before the Court is Plaintiff’s motion to strike, filed on June 19, 2017. (ECF No. 13.) Plaintiff states in his motion that he recently sent a complaint regarding issues arising out of California Medical Facility, in Vacaville, California, but failed to name a defendant. Therefore, Plaintiff would like the complaint stricken. No such complaint was received by this Court, however, and therefore there is no such pleading on the docket to strike.

Plaintiff also states that he has included an amended complaint and motion for a temporary restraining order with this motion. The Court has filed Plaintiff’s motion for temporary restraining order, (ECF No. 14), and lodged his amended complaint, (ECF No. 15) in this action.

1 The Court notes that Plaintiff's amended complaint and motion for temporary restraining
2 order both concern allegations that medical staff and officials employed at the California
3 Medical Facility medicated Plaintiff without his permission. That facility is located within
4 Solano County, which is part of the Sacramento Division of the United States District Court for
5 the Eastern District of California.

6 On June 6, 2016, the undersigned filed findings and recommendations that any complaint
7 concerning these claims should have been filed in the Sacramento Division of the United States
8 District Court for the Eastern District of California. The undersigned further found that
9 Plaintiff's claims arising out of events at the California Medical facility were not related to the
10 claims that this action proceeds upon. Therefore, the undersigned recommended that such claims
11 be dismissed from this action, without prejudice, due to improper venue and for being
12 improperly joined. (ECF No. 10.) Those findings and recommendations remain pending.

13 Based on Plaintiff's filings, it appears that Plaintiff may have intended to file this
14 amended complaint and motion for temporary restraining order as a new action in the
15 Sacramento Division of the United States District Court for the Eastern District of California, not
16 in this action. If so, Plaintiff may inform the Court in writing of this error, and his amended
17 complaint and motion for temporary restraining order will be stricken as misfiled.

18 Furthermore, Plaintiff is informed that to the extent he seeks to file any future filings with
19 the Sacramento Division, those filings may be sent to: United States District Court, Eastern
20 District of California, 501 "I" Street, Suite 4-200, Sacramento, CA 95814.

21 For these reasons, it is HEREBY ORDERED that Plaintiff's motion to strike (ECF No.
22 13), is denied, without prejudice.

23
24 IT IS SO ORDERED.

25 Dated: June 21, 2017

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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