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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 ROBERT MITCHELL,

12 Plaintiff,

13 v.

14 CDCR SECRETARY JEFFERY BEARD, et  
15 al.,

16 Defendants.

Case No. 1:17-cv-01032-DAD-SAB (PC)

ORDER OVERRULING PLAINTIFF'S  
OBJECTIONS

(ECF No. 22)\_\_\_\_\_

17 Plaintiff Robert Mitchell ("Plaintiff"), a former state prisoner, proceeding pro se and in  
18 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 12, 2017 in the  
19 Central District of California. On August 3, 2017, the matter was transferred to the Eastern  
20 District of California.

21 On August 23, 2017, the Court dismissed Plaintiff's complaint for failure to state a claim  
22 under section 1983 and ordered Plaintiff to file an amended complaint within thirty days. 28  
23 U.S.C. § 1915A; 28 U.S.C. § 1915(e). On September 25, 2017, Plaintiff filed objections to the  
24 order, and on October 2, 2017, the Court overruled Plaintiff's objections and granted Plaintiff an  
25 additional thirty days to file an amended complaint. (ECF Nos. 13, 14.) On November 13, 2017,  
26 the Court issued Findings and Recommendations recommending dismissal because the Court did  
27 not receive an amended complaint. (ECF No. 17.) However, on November 27, 2017, the Court  
28 vacated the Findings and Recommendations based on Plaintiff's contention that

1 he attempted to file his first amended complaint but it was returned to him with a notation that  
2 the case number was incorrect, and Plaintiff's first amended complaint was filed. (ECF No. 20.)

3 On December 5, 2017, Plaintiff's first amended complaint was stricken because it  
4 violated the Court's August 23, 2017 order which directed that the amended complaint could not  
5 exceed 25 pages. (ECF No. 21.)

6 On December 8, 2017, Plaintiff filed objections "to [t]he Court's Order Dismissing  
7 Plaintiff's Complaint with Leave to Amend For Failure to State a Claim." (ECF No. 22.) It is  
8 unclear what specific order Plaintiff is objecting to. In addition, the objections are identical to  
9 the objections Plaintiff previously filed on September 25, 2017, which were overruled in the  
10 Court's October 2, 2017 order. (ECF Nos. 13, 14, 22.) Accordingly, for the same reasons  
11 explained in the Court's October 2, 2017 order, Plaintiff's objections are HEREBY  
12 OVERRULED, and any amended complaint is due on or before January 4, 2018. (ECF No. 21.)  
13 Plaintiff needs to focus his attention on filing his amended complaint, otherwise, his case will be  
14 recommended to be dismissed for the reasons previously stated.

15 IT IS SO ORDERED.

16  
17 Dated: **December 12, 2017**

  
UNITED STATES MAGISTRATE JUDGE