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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SCOTT BARBOUR,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

Case No. 1:18-cv-00246-LJO-BAM  
ORDER DIRECTING CLERK OF THE  
COURT TO ADMINISTRATIVELY  
REDESIGNATE CASE AS A PRISONER  
ACTION

Plaintiff Scott Barbour (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b). The action was initially designated as a prisoner civil rights action, and was later redesignated as a regular civil action and reassigned to the undersigned Magistrate Judge. (ECF No. 11.)

On August 21, 2019, Defendant filed a motion to dismiss the first amended complaint for lack of subject matter jurisdiction. (ECF No. 18.) Plaintiff filed his opposition on September 18, 2019, (ECF No. 20), and Defendant filed a reply on September 25, 2019, (ECF No. 21). Plaintiff also filed a motion for an order opening discovery on September 18, 2019, (ECF No. 19), which Defendant opposed on September 25, 2019, (ECF No. 22). The deadline for the filing of Plaintiff’s reply, if any, has not yet expired.

The Court has reviewed the first amended complaint and determined that the present action involves a prisoner litigating the conditions of his confinement. Consequently, the

1 administrative designation should reflect this, and this matter should proceed according to the  
2 rules governing actions involving a prisoner litigating the conditions of his confinement. This  
3 includes Local Rule 230(1) on motions in prisoner actions. Thus, the motion to dismiss and the  
4 motion for order opening discovery shall be submitted upon the record without oral argument.  
5 This matter is also excepted from the mandatory scheduling conference requirement, pursuant to  
6 Local Rule 240(c)(8).

7 Accordingly, it is HEREBY ORDERED as follows:

- 8 1. The Clerk of the Court SHALL change the administrative designation of the present  
9 case to reflect that of a prisoner litigating the conditions of his confinement; and
- 10 2. The Clerk of the Court SHALL designate the case number in this action as follows:  
11 Case No. 1:18-cv-00246-LJO-BAM (PC).

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13 IT IS SO ORDERED.

14 Dated: September 30, 2019

/s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE

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