

1 a finding that the statute of limitations defense appeared complete and obvious from the face of
2 Plaintiff's first amended complaint. Plaintiff now argues that his retaliation and cruel and unusual
3 punishment claims are not barred by the statute of limitations based on various different factors,
4 including the filing of a state court action and equitable tolling. (ECF No. 51.) The determination of
5 the statute of limitations and entitlement to equitable tolling is not obvious from the face of the first
6 amended complaints, and the documents attached to Plaintiff's request for judicial notice. (ECF No.
7 52.) Therefore, the Court will vacate the order to show cause.

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9 1. The Court's February 18, 2020 order to show cause is VACATED; and
- 10 2. The Court will further screen Plaintiff's first amended complaint in due course.

11
12 IT IS SO ORDERED.

13 Dated: September 9, 2020



UNITED STATES MAGISTRATE JUDGE