

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMAESHI NWOZUZU,

Plaintiff,

No. CIV S-05-1938 MCE DAD P

vs.

DAVE L. RUNNELS, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On July 28, 2009, the United States Court of Appeals for the Ninth Circuit affirmed in part and vacated in part this court’s granting of defendants’ summary judgment motion. In remanding the case the Ninth Circuit explained that this court should have construed the pro se plaintiff’s opposition to defendants’ motion for summary judgment and plaintiff’s motion for injunctive relief as a motion for leave to file an amended complaint to add a separate claim for damages.

On March 10, 2010, this court, in accordance with the Ninth Circuit’s decision, ordered plaintiff to file an amended complaint that clarifies his request for relief. On April 23, 2010, plaintiff filed a timely amended complaint. Therein, plaintiff modified his request for relief to include monetary damages.

