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10 AMAESHI NWOZUZU,

11 Plaintiff,

No. CIV S-05-1938 MCE DAD P

12 vs.

13 DAVE L. RUNNELS, et al.,

Defendants.

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.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ORDER

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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Defendants file a response to plaintiff's amended complaint within thirty days from the date of this order;
- 2. If defendants' response is an answer, plaintiff's reply, if any, shall be filed and served within thirty days after service of the answer; and
- 3. If defendants' response is a motion to dismiss, plaintiff's opposition or statement of non-opposition to the motion shall be filed and served within thirty days after service of the motion; defendants' reply, if any, shall be filed and served within fifteen days thereafter.

DATED: May 4, 2010.

DALE A. DKOZD

UNITED STATES MAGISTRATE JUDGE

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