

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

MALIK JONES,

No. CIV S-06-2732 FCD CMK P

Plaintiff,

vs.

ORDER

C. STIEFERMAN, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding without counsel, brings this action alleging civil rights violations. *See* 42 U.S.C. §1983. This case is proceeding against defendants Shoemaker, Stieferman, Holmes, Casero, Stiles, Kelley, Hayward, Martel, Vance, Rosario, Chastain, Rudolph, Goldman, Sherven, Johnson, Sanders and Pliler on plaintiff’s claims of Eighth and Fourteenth Amendment violations.

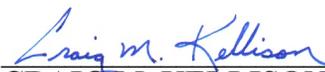
On December 29, 2008, plaintiff submitted to the court what appears to be a new complaint. The caption of this new complaint names two correctional officers as defendants: Bishop and Stovall, although plaintiff identifies several other defendants in a list of “parties.” Neither of these two individuals, nor any of the other individuals identified as “parties,” are named in plaintiff’s previous complaint filed in this case. In addition, the December 29, 2008

1 complaint addresses different allegations against these other defendants, which do not appear to
2 relate to the allegations raised in his complaints filed herein. It appears to the court that
3 plaintiff's most recent complaint is actually a new complaint which should have been opened as a
4 new case. This case should proceed on plaintiff's previous amended complaint (Doc.8) filed
5 February 1, 2008.

6 Accordingly, the Clerk of the Court is directed to strike the December 29, 2008
7 complaint from this case and open a new case using this document. The Clerk of the Court is
8 also directed to randomly assign this new case as appropriate.

9
10 IT IS SO ORDERED.

11
12 DATED: January 15, 2009

13 
14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26