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

ARTHUR CARR,

Plaintiff,

No. 2:09-cv-0826 GEB KJN P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis with a civil rights action filed pursuant to 42 U.S.C. § 1983. On August 23, 2010, plaintiff filed a motion for clarification of this court’s August 5, 2010 order. Plaintiff claims that on July 15, 2010, he submitted the notice of amendment and third amended complaint as required by this court’s June 18, 2010 order, and alleges it was filed by the court clerk on July 29, 2010. Review of the court’s docket reflects the only document filed on July 29, 2010 was plaintiff’s request for extension of time which he signed on July 26, 2010. However, on August 30, 2010, plaintiff

1 filed the notice of amendment¹ along with the proposed third amended complaint.

2 With regard to plaintiff's concern as to discovery, the discovery deadline was
3 vacated. Plaintiff was directed to tailor his revised discovery responses forthwith to avoid any
4 further delay. (July 9, 2010 Order at 2.) At present, however, plaintiff is under no immediate
5 deadline by which to submit discovery requests. A revised scheduling order will issue once
6 defendants have answered the third amended complaint.


7 The third amended complaint states a potentially cognizable claim for relief
8 pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the complaint are
9 proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. Defendants
10 Her and Solorzano will be directed to file a responsive pleading within twenty-one days from the
11 date of this order.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff's August 23, 2010 motion for clarification (dkt. no. 67) is partially
14 granted; and

15 2. Defendants Her and Solorzano shall file a responsive pleading within twenty-
16 one days from the date of this order.

17 DATED: September 1, 2010

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

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26 ¹ As plaintiff points out, the June 18 order required the filing of a notice of amendment form rather than a "notice of submission" form.