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

BERNARD L. SMITH,

Plaintiff,

No. CIV S-10-0766 DAD P

vs.

CALIFORNIA STATE PRISON –  
SACRAMENTO, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se. Although it appears that plaintiff may be seeking relief pursuant to 42 U.S.C. § 1983, he has not filed a complaint in this case. Rather, on March 31, 2010 plaintiff filed a motion for an emergency injunction<sup>1</sup> and on April 29, 2010, filed a “supplemental evidence brief.” Throughout these two filings plaintiff makes scattered references to claims that he may be attempting to present to this court.<sup>2</sup> The court will

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<sup>1</sup> The Clerk of the Court opened this civil action based upon this filing by plaintiff.

<sup>2</sup> For example, in his motion for an emergency injunction, plaintiff alleges a violation of the American Disabilities Act based upon the housing of non-HIV inmates with HIV inmates by prison officials. Plaintiff also alleges in this motion that prison officials are retaliating against him for filing prison grievances and lawsuits. However, in his “supplemental evidence brief,” plaintiff focuses on an entirely new claim, alleging that prison officials have been denying him adequate medical treatment for his HIV and bladder cancer.

1 therefore order plaintiff to file a complaint in this case and present all his claims in one pleading.

2 See Local Rule 220.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff shall file a complaint within thirty days of the date of this order; and

5 2. The Clerk of Court is directed to send plaintiff the court's form for filing a  
6 civil rights action.

7 DATED: June 22, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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