

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOHN HEILMAN,
Plaintiff,
v.
L. SANCHEZ,
Defendant.

No. 2:10-cv-01120 JAM DAD P

ORDER

On July 28, 2014, the Ninth Circuit Court of Appeals affirmed in part, and reversed in part, this court’s November 22, 2011 order and judgment dismissing this action. The mandate was issued on August 20, 2014.¹

The Court of Appeals affirmed this court’s order and judgment on all grounds except one. The appellate court remanded for further proceedings on plaintiff’s retaliation claim against defendant Sanchez based on the following conduct alleged in plaintiff’s first amended complaint: that defendant Sanchez threatened plaintiff with disciplinary action if he accessed the prison’s grievance mechanisms; and that defendant Sanchez carried out those threats by removing plaintiff from the library and placing notices premised on false accusations in plaintiff’s disciplinary file.

¹ See ECF Nos. 22, 23 (this court’s Order and Judgment dismissing action); see also ECF No. 36 (Court of Appeals Memorandum, dated July 28, 2014 (Case No. 12-15214)); and ECF No. 37 (Court of Appeals Mandate, dated Aug. 20, 2014).

1 (See ECF No. 36 at 5.) Therefore, this action now proceeds only on these allegations in support
2 of plaintiff's retaliation claim against defendant Sanchez.

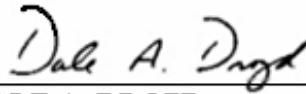
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Within thirty days after the filing date of this order, defendant shall file and serve a
5 responsive pleading that addresses only plaintiff's retaliation claim against defendant Sanchez.

6 2. The responsive pleading, and all further filings in this action, shall be limited to the
7 merits of plaintiff's retaliation claim against defendant Sanchez, based on the factual allegations
8 set forth in the First Amended Complaint, as identified by the Ninth Circuit Court of Appeals and
9 set forth herein.

10 3. The Clerk of Court is directed to send plaintiff one copy each of: (1) this order; (2) the
11 First Amended Complaint filed December 22, 2010 (ECF No. 14); and (3) the Court of Appeals'
12 memorandum filed July 28, 2014 (ECF No. 36).

13 Dated: November 7, 2014

14 

15 _____
16 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

17 DAD:4
18 heil1120.ord.on.rem.
19
20
21
22
23
24
25
26
27
28