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

RANDALL W. GRIMES,

Plaintiff,

No. 2:10-cv-2346 JFM (PC)

vs.

FOLSOM STATE PRISONS
PSYCHIATRIC SERVICES
UNITS MEDICAL STAFF, DR.
M. BOBALLA, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed February 23, 2011, the court ordered the United States Marshall to serve process on five defendants named in plaintiff's original complaint, including Dr. M. Bobballa; Nurse M. Joyce; Chief Psychologist K. Morgan; Warden T. Virga; and Correctional Officer Shearer.

On March 3, 2011, plaintiff filed a request for voluntary dismissal of defendants Virga, Morgan and Boballa. Included in that request was a request to add two new defendants to this action. By order filed March 28, 2011, the court granted plaintiff's request for voluntary dismissal of defendants Virga, Morgan and Boballa, vacated the order directing the United

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1 States Marshal to serve process on defendants, and dismissed plaintiff's complaint with thirty
2 days leave to file an amended complaint.

3 On April 26, 2011, plaintiff filed a first amended complaint and a motion for a
4 temporary restraining order. On August 18, 2011, plaintiff filed a document styled as a motion
5 for default judgment. On September 9, 2011, plaintiff filed a document styled as a motion to
6 change his claim and reinstate defendants Virga and Morgan. Good cause appearing, plaintiff's
7 first amended complaint will be dismissed and plaintiff will be granted one period of thirty days
8 in which to file a second amended complaint. The second amended complaint must be filed on
9 the form provided with this order. Plaintiff's motion for temporary restraining order, which he
10 purports to base on his first amended complaint, will be denied without prejudice, and plaintiff's
11 motion for default judgment will be denied.

12 In accordance with the above, IT IS HEREBY ORDERED that:

13 1. Plaintiff's September 9, 2011 motion is construed as a motion for leave to file
14 a second amended complaint and, so construed, is granted;

15 2. Plaintiff's first amended complaint is dismissed;

16 3. Within thirty days from the date of this order, plaintiff shall complete the
17 attached Notice of Amendment and submit the following documents to the court:

18 a. The completed Notice of Amendment; and

19 b. An original and one copy of the Second Amended Complaint.

20 Plaintiff's second amended complaint shall be prepared on the form provided with this order and
21 shall comply with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,
22 and the Local Rules of Practice; the second amended complaint must bear the docket number
23 assigned this case and must be labeled "Second Amended Complaint"; failure to file a second
24 amended complaint in accordance with this order may result in the dismissal of this action;

25 5. Plaintiff's April 26, 2011 motion is denied without prejudice;

26 6. Plaintiff's August 18, 2011 motion for default judgment is denied; and

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Defendants.

NOTICE OF AMENDMENT

_____ /

Plaintiff hereby submits the following document in compliance with the court's
order filed _____:

_____ Amended Complaint

DATED:

Plaintiff