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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY PENTON,
Plaintiff,
v.
S. NUNEZ, et al.,
Defendants.

No. 2:11-cv-0518 GEB KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. On November 10, 2014, plaintiff filed a response to the order to show cause and a request for equitable reconsideration under Rule 60(b) of the Federal Rules of Civil Procedure. Plaintiff asks the court to allow him to amend, and to hold the order to show cause in abeyance pending resolution of his pending request.

However, plaintiff's request was not accompanied by a proposed third amended complaint. As a prisoner, plaintiff's pleadings are subject to evaluation by this court pursuant to the in forma pauperis statute. See 28 U.S.C. § 1915A. Because plaintiff did not submit a proposed third amended complaint, the court is unable to evaluate it. Plaintiff is granted thirty days from the date of this order in which to file his proposed third amended complaint. Upon filing the third amended complaint, defendant shall file a response to plaintiff's November 10, 2014 request within twenty-one days. Plaintiff may file a reply fourteen days thereafter.

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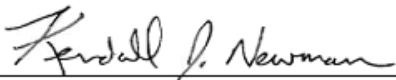
Plaintiff shall not append any exhibits to his proposed third amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. Within thirty days from the date of this order, plaintiff shall file a proposed third amended complaint;
2. Twenty-one days after plaintiff submits his third amended complaint, defendant shall file a response to plaintiff's November 10, 2014 request (ECF No. 64); and
3. Plaintiff's reply, if any, shall be filed fourteen days thereafter.

Dated: November 25, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE