

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

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

RAYMOND D. JACKSON,

Plaintiff,

No. 2: 11-cv-1157 JAM KJN P

vs.

STEVEN FLETCHER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding with counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 12, 2012, plaintiff filed a motion for leave to file a second amended complaint and a proposed second amended complaint. Previously named defendants Pletcher, Osama, Sabin, Jolley, Hall and Cate stipulated to the unopposed filing of the second amended complaint. On May 31, 2012, the undersigned ordered these previously named defendants to file a response to the second amended complaint within twenty days.

On June 5, 2012, defendant Pletcher filed a waiver of reply pursuant to 42 U.S.C. § 1997e(g). This section provides,

(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1983 of this title or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations

1 contained in the complaint. No relief shall be granted to the
2 plaintiff unless a reply has been filed.

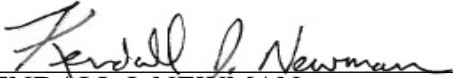
3 (2) The court may require any defendant to reply to a complaint
4 brought under this section if it finds that the plaintiff has a
5 reasonable opportunity to prevail on the merits.

6 42 U.S.C. § 1997e(g).

7 After reviewing the second amended complaint, the undersigned finds that
8 plaintiff has a reasonable opportunity to prevail on the merits as to his claims against defendants
9 Pletcher, Osama, Sabin, Jolley, Hall and Cate.

10 Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of
11 this order, defendant Pletcher shall file a reply to the second amended complaint. 42 U.S.C. §
12 1997e(g)(2).

13 DATED: June 5, 2012

14 
15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

17 jack1157.ord(2)