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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 through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On January 3, 2012, the court appointed counsel to represent plaintiff. (Dkt. No. 81.) Prior to counsel’s appointment, on December 29, 2012, plaintiff himself filed a motion to amend and a proposed amended complaint. (Dkt. Nos. 78, 79.)

On January 18, 2012, the parties stipulated that plaintiff’s motion to amend would be held in abeyance until such time as plaintiff’s counsel had the opportunity to review the pleadings to determine whether he would proceed with the motion to amend and proposed amended complaint. (Dkt. No. 83.) Now that counsel has been appointed, if plaintiff intends to proceed on an amended complaint, the proposed amended complaint and motion to amend should be prepared by plaintiff’s counsel. For this reason, the motion to amend filed by plaintiff himself on December 29, 2011 is vacated. Plaintiff is granted thirty days to file a proposed

1 amended complaint and motion to amend. If plaintiff intends to proceed on the original
2 complaint, he shall notify the court within thirty days.

3 Also pending is a motion for summary judgment filed by defendant Pletcher and a
4 motion to dismiss filed by defendant Cate. (Dkt. Nos. 35 and 57.) Because it is not clear
5 whether plaintiff intends to proceed on the original complaint, on which these motions are based,
6 these motions are vacated without prejudice from the court calendar. The court will reinstate
7 these motions and order a briefing schedule if plaintiff informs the court that he intends to
8 proceed on the original complaint.

9 Prior to counsel's appointment, plaintiff himself filed several motions which are
10 still pending including 1) a motion for an order to videotape plaintiff's surgery (Dkt. No. 46);
11 2) a motion to fast track this action (Dkt. No. 47); 3) six motions for extensions of time to
12 respond to motions filed by defendants (Dkt. Nos. 59, 64-67, 71); and 4) a motion to compel
13 (Dkt. No.72). Because plaintiff is now represented by counsel, these motions filed by plaintiff
14 himself are vacated.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Plaintiff is granted thirty days to file a motion to amend and proposed amended
17 complaint; if plaintiff intends to proceed on the original complaint, he shall notify the court
18 within that time;

19 2. Defendant Pletcher's motion for summary judgment (Dkt. No. 35) and
20 defendant Cate's motion to dismiss (Dkt. No. 57) are vacated without prejudice;

21 3. The following motions filed by plaintiff are vacated: a) motion for an order to
22 videotape his surgery (Dkt. No. 46); b) motion to fast track this action (Dkt. No. 47); c) motions
23 for extension of time (Dkt. Nos. 59, 64-67, 71); d) motion to compel (Dkt. No. 72); and e)

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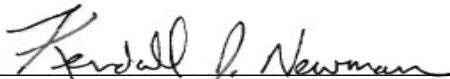
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1 motion to amend (Dkt. No. 78).

2 DATED: April 23, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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