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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,
Plaintiff,
v.
GERTZ, et al.,
Defendants.

No. 2:11-cv-2293 JAM CKD P

ORDER

A settlement conference held on June 2, 2015 did not result in settlement of this pro se prisoner action. (ECF No. 93.) Previously, the court vacated its order directing plaintiff to file an amended complaint, pending settlement talks. (ECF No. 87.) The court will now grant plaintiff thirty days to file an amended complaint to “name the correct defendants” in his failure-to-protect claim, per the October 28, 2014 order of the United States Court of Appeals for the Ninth Circuit. (ECF No. 72 at 3.) Plaintiff should note that although he has been given the opportunity to amend, it is not for the purpose of adding new claims. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007).

Plaintiff has filed a motion requesting that defendants produce medical records. (ECF No. 88.) As discovery is premature at this stage of the litigation, plaintiff’s motion will be denied.

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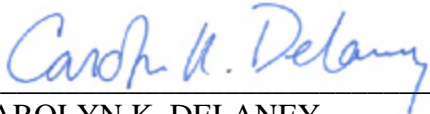
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is granted thirty days from the date of service of this order to file an amended complaint that complies with the October 28, 2014 order of the Ninth Circuit Court of Appeals, the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must bear the docket number assigned this case and must be labeled "Amended Complaint"; plaintiff must file an original and two copies of the amended complaint; failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed; and

2. Plaintiff's motion for medical records (ECF No. 88) is denied as premature.

Dated: June 4, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE