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

JOSHUA DANIEL MILLS,

Plaintiff,

No. CIV S-12-0166 KJM GGH P

vs.

TIM VIRGA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding with retained counsel. He seeks relief pursuant to 42 U.S.C. § 1983 and has paid the filing fee. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff states that he was transferred from California State Prison-Sacramento (CSP-Sac) to Pelican Bay State Prison (PBSP), but his life is in danger at PBSP. Plaintiff seeks to be transferred back to CSP-Sac. Plaintiff also states that staff at CSP-Sac took his prescription sunglasses and as a result he has been unable to go outside as the sun causes migraine headaches. Plaintiff seeks injunctive relief, a return to CSP-Sac and his sunglasses, and monetary damages. However, the only named defendants are the Warden of CSP-Sac and the California Department of Corrections. With respect to the transfer, plaintiff has failed to identify a defendant who can provide relief as it does not appear the warden of CSP-Sac has the ability to order a transfer from

1 PBSP and the entity itself is not a proper defendant. With respect to the sunglasses claim,
2 plaintiff has failed to identify anyone who actually took the sunglasses.

3 Within twenty-one days, plaintiff shall show cause why the claims in the original
4 complaint should not be screened out, or plaintiff may file an amended complaint.

5 In accordance with the above, IT IS HEREBY ORDERED that within twenty-one
6 days, plaintiff shall show cause why the claims in the original complaint should not be screened
7 out, or plaintiff may file an amended complaint.

8 DATED: February 6, 2012

9 /s/ Gregory G. Hollows
10 UNITED STATES MAGISTRATE JUDGE

11 GGH: AB
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