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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT STANLEY WOODS aka
SALADIN RUSHDAN,

Plaintiff,

v.

HAMKAR, et al.,

Defendants.

No. 2:12-cv-0562 MCE CKD P

ORDER

On March 14, 2014, plaintiff filed a motion for leave to amend the complaint pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, along with a proposed amended complaint.¹ (ECF No. 65.) Defendants have filed neither an opposition nor statement of non-opposition to the motion to amend.

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¹ The proposed amended complaint adds a contract claim based on prison officials' alleged failure to perform their duties per the 1994 settlement agreement in a civil rights action filed by plaintiff in the Northern District of California. The court notes that plaintiff has filed multiple prior civil actions in the Eastern and Northern Districts of California, including Rushdan v. Perbula, No. 2:06-cv-729 GEB GGH P (E.D. Cal.), which claimed breach of the 1994 settlement agreement and was dismissed without prejudice in 2010. (See ECF No. 44 at 12-13.) It is not immediately clear to what extent, if any, the claims in the proposed amended complaint overlap with claims previously litigated by plaintiff.

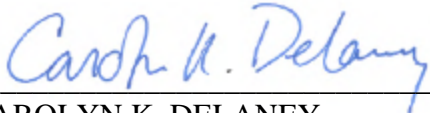
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Because the court has not ruled on plaintiff's motion to amend, defendants' request for an order screening the proposed amended complaint (ECF No. 66) is premature. However, the court will grant defendants an additional 21 days to file either an opposition or statement of non-opposition to plaintiff's motion to amend.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' request for screening order (ECF No. 66) is denied as premature; and
2. Defendants are granted 21 days from the date of this order to file either an opposition or statement of non-opposition to plaintiff's March 14, 2014 motion to amend.

Dated: April 14, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE