

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE LEE,
Plaintiff,
v.
R. GROUNDS, et al.,
Defendants.

No. 2: 14-cv-0464 TLN KJN P

ORDER

Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 8, 2014, the undersigned issued an order screening plaintiff's second amended complaint. (ECF No. 9.) The undersigned found that the second amended complaint stated a potentially colorable claim for relief against defendants Garay, Sturcho and Ashley for wrongly charging plaintiff with restitution in criminal cases where no restitution was ordered. In the May 8, 2014 order, the undersigned also found that the retaliation claim in the second amended complaint was not colorable and recommended that it be dismissed.

On June 10, 2014, plaintiff filed a motion for an extension of time to file a third amended complaint. (ECF No. 11.) On June 20, 2014, the undersigned granted plaintiff thirty days to file a third amended complaint. (ECF No. 15.) The undersigned ordered that if plaintiff did not file a third amended complaint within that time, the court would order service of those claims in the second amended complaint found potentially colorable.

1 On July 9, 2014 plaintiff filed a motion to dismiss his request to submit a third amended
2 complaint. (ECF No. 18.) In this motion, plaintiff indicates that he wants to proceed on those
3 claims found colorable in the second amended complaint.


4 Plaintiff has previously submitted the copies of the second amended complaint and
5 summons form necessary for service of defendants Garay, Sturcho and Ashley with the second
6 amended complaint. However, plaintiff did not submit the completed USM-285 forms.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motion to dismiss his request to submit a third amended complaint (ECF
9 No. 18) is granted;
- 10 2. The Clerk of the Court shall send plaintiff 3 USM-285 forms;
- 11 3. Within thirty days from the date of this order, plaintiff shall complete the attached
12 Notice of Submission of Documents and submit the 3 completed USM-285 forms;
- 13 4. Following receipt of the completed USM-285 forms, the court will direct the U.S.
14 Marshal to serve defendants Garay, Sturcho and Ashley with the second amended complaint.

15 Dated: July 18, 2014

16
17 Lee464.1(2)


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE LEE,
Plaintiff,
v.
R. GROUNDS, et al.,
Defendants.

No. 2: 14-cv-0464 TLN KJN P

ORDER

Plaintiff submits the following documents in compliance with the court's order filed

____3_ completed USM-285 forms

DATED:

Plaintiff