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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LERROY CARR,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

No. 2:14-cv-2110 JAM CKD P

ORDER

This case is on remand from the Ninth Circuit (ECF No. 86) and proceeds on the second amended complaint (ECF No. 16). In compliance with the court’s December 28, 2018 order (ECF No. 92), the parties have filed their joint status report and proposed scheduling order (ECF No. 95).

Plaintiff proposes, and defendant does not oppose, that plaintiff be permitted to file an amended complaint for the purposes of “cleaning up” the surviving claim under the Federal Tort Claims Act (FTCA). (*Id.* at 2.) This proposal will be adopted and plaintiff will have an opportunity to file an amended complaint for this limited purpose. Any amendment outside this scope will require the filing of a motion to amend, accompanied by a copy of the proposed amended complaint. Because plaintiff is a prisoner and proceeding in forma pauperis, any amended complaint will be subject to screening before defendant is required to respond. 28 U.S.C. §§ 1915(e), 1915A. However, because this case will proceed, at a minimum, on the

1 FTCA claim, the court finds no reason to delay the exchange of initial disclosures. With respect
2 to all other deadlines, a further scheduling order will issue concurrent with the screening of the
3 complaint. If, at the time plaintiff files his amended complaint, he is no longer incarcerated and
4 has paid the filing fee, the complaint will not be screened and a further scheduling order, that
5 includes a deadline for defendant to respond to the complaint, will issue at that time.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff shall have until April 15, 2019, to file an amended complaint or motion to
8 amend. An amended complaint must be limited to clarifying plaintiff's surviving Federal Tort
9 Claims Act claim. If plaintiff seeks to amend the complaint beyond that scope, he must file a
10 motion to amend that is accompanied by the proposed amended complaint.

11 2. The parties shall exchange initial disclosures by April 1, 2019.

12 Dated: February 27, 2019

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14 _____
15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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