

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

ALONZO JOSEPH,

Plaintiff,

v.

DR. R. HAWKINS,

Defendant.

No. 2:15-cv-0332 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, with an action filed pursuant to 42 U.S.C. § 1983. On March 18, 2016, the undersigned recommended that plaintiff's second amended complaint be dismissed without prejudice. Plaintiff filed objections, and on April 22, 2016, the findings and recommendations were held in abeyance pending screening of plaintiff's third amended complaint.

The third amended complaint states a potentially cognizable Eighth Amendment claim for relief against defendant Dr. Hawkins pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. Therefore, the findings and recommendations are vacated, and defendant Hawkins is directed to file a responsive pleading within thirty days from the date of this order.

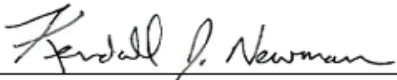
///

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

In accordance with the above, IT IS HEREBY ORDERED that:

1. Within thirty days from the date of this order, defendant Hawkins shall file a response to the third amended complaint.
2. The findings and recommendations (ECF No. 11) are vacated.

Dated: October 24, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

/jose0332.1amd3