

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

JOSEPH D. TURNER,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION (CDCR), et al.,
Defendants.

No. 2:15-cv-1584 WBS DB P

ORDER

On July 7, 2017, the magistrate judge issued an order dismissing some of the defendants and finding service of the first amended complaint appropriate for defendants Brennan and Johnson. When he submitted some documents for service, plaintiff stated that he did not consent to dismissal of the other defendants. (See ECF No. 33.) The magistrate judge construed plaintiff’s statement as a request for reconsideration of the July 7 screening order, affirmed the screening order, and informed plaintiff that he had three options: (1) file an amended complaint as explained in the July 7 order; (2) seek reconsideration of the July 7 order from the district judge; or (3) proceed on the claims in his first amended complaint against only defendants Brennan and Johnson. (See ECF No. 34.) On September 15, 2017, plaintiff moved for this court’s reconsideration of the July 7 order. (ECF No. 35.)

Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Id. Upon review of the entire file, the court finds that it

1 does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

2 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the
3 magistrate judge filed July 7, 2017 (ECF No. 32) is affirmed. Plaintiff is given another 30 days
4 from the date of this Order to either file an amended complaint to attempt to state claims against
5 defendants Norris, Silveira, Mariano, Dulk, Brunetti, Dobie, Rodrigues, Parsons, Martin,
6 Marquez, Kesterson, Gaughan, Thomas, Price, Murphy, Lui, Hemenway, Vila, Briggs,
7 Voong, Beard, and Kernan; or inform the Magistrate Judge that he wishes to proceed on his first
8 amended complaint against only defendants Johnson and Brennan. As ordered by the Magistrate
9 Judge, if plaintiff chooses the latter option, he must provide the court with three complete copies
10 of the endorsed first amended complaint so that the Marshal may effect service of the first
11 amended complaint on defendants Johnson and Brennan.

12 Dated: September 21, 2017

13 

14 WILLIAM B. SHUBB
15 UNITED STATES DISTRICT JUDGE

16
17
18
19
20
21
22
23
24
25
26
27
28

DLB:9
turn1584.850