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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND M. DOUGLAS,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

RAYMOND M. DOUGLAS,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.
Defendants.

No. 2:16-cv-0415 MCE AC (PS)

ORDER

No. 2:16-cv-0375 MCE AC (PS)

Plaintiff is proceeding in these actions pro se. The actions were referred to the undersigned by E.D. Cal. R. (“Local Rule”) 302(c)(21). The actions were related to each other on April 29, 2016.

I. SERVICE

Both actions were set for an initial status conference on December 14, 2016. No defendant has made an appearance, and there is no indication that any defendant has yet been

1 served with process. However, plaintiff has filed the required documents showing that he has
2 provided the U.S. Marshal with the materials needed to effect service in both cases. The court
3 will therefore continue the joint status conference for 90 days, to give the U.S. Marshal sufficient
4 time to serve process, and for defendants to respond and to prepare for the conference.

5 II. OPERATIVE COMPLAINT

6 On August 23, 2016, plaintiff filed Third Amended Complaints in both cases. See
7 Douglas v. City of Sacramento, 2:16-cv-0375, ECF No. 19; Douglas v. County of Sacramento,
8 2:16-cv-0415, ECF No. 17. These amended complaints will be stricken from the docket, because:
9 (1) in neither case did plaintiff obtain the required leave to file an amended complaint, see Fed. R.
10 Civ. P. 15(a)(2); and (2) in both cases, the amended complaints assert federal claims against
11 municipal defendants, even though those claims were previously dismissed from the cases with
12 prejudice, and the municipal defendants were dismissed without prejudice to renewal of the state
13 claims against them in an appropriate state forum.

14 Accordingly, the operative complaint in each case is the “Second Amended Complaint,”
15 filed on May 25, 2016 in both cases.

16 III. CONCLUSION

17 For the reasons set forth above, IT IS HEREBY ORDERED that:

- 18 1. The December 14, 2016 joint Status (Pretrial Scheduling) Conference is CONTINUED to
19 March 15, 2017, at 10:00 a.m., before the undersigned. The instructions set forth in the
20 scheduling conference order in 16-cv-0375, ECF No. 24 ¶¶ 4-6, apply to both cases.
- 21 2. The parties are cautioned that failure to timely file status reports or to otherwise comply
22 with the above-referenced scheduling conference order may result in sanctions, including
23 a recommendation for dismissal or judgment.
- 24 3. The Third Amended Complaint in Douglas v. City of Sacramento, 2:16-cv-0375 (ECF
25 No. 19), is ordered STRICKEN from the docket;

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4. The Third Amended Complaint in Douglas v. County of Sacramento, 2:16-cv-0415 (ECF No. 17), is ordered STRICKEN from the docket.

DATED: December 9, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE