

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

ROBERT E. COLEMAN,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.,
Defendants.

No. 2:16-cv-0575 JAM CKD P

ORDER

On May 24, 2016, plaintiff filed a request for reconsideration of the magistrate judge’s order filed May 18, 2016, dismissing the complaint in this action with leave to amend. (ECF No. 7.) The magistrate judge determined that (1) plaintiff’s claims regarding involuntary medication were being adjudicated in the state courts, such that federal abstention was proper, and (2) plaintiff’s single-cell housing claims were dismissed in an earlier-filed action for failure to exhaust administrative remedies, and plaintiff has not shown that he has exhausted those claims since the dismissal.

In his motion for reconsideration, plaintiff cites a February 19, 2016 order by the Court of Appeal of the State of California, Third Appellate District, denying his petition for writ of habeas corpus in Case No. C080736, concerning plaintiff’s involuntary medication order. (ECF No. 10 at 7; see ECF No. 1 at 44.) The Court of Appeal denied the petition “without prejudice to filing a petition for writ of administrative mandamus in the Superior Court (Pen. Code § 2602, sub.

1 (c)(7)(C)).” (Id.) As to his housing claims, plaintiff cites first- and second-level responses to his
2 inmate appeal No. SAC-S-13-2151. (ECF No. 10 at 11-15.)

3 Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless
4 “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does
5 not appear that the magistrate judge’s ruling was clearly erroneous or contrary to law.

6 Therefore, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff’s motion for reconsideration (ECF No. 10) is granted as set forth herein;
- 8 2. Upon reconsideration, the order of the magistrate judge filed May 18, 2016 is affirmed;
- 9 3. Plaintiff’s motion for temporary restraining order (ECF No. 11) is denied; and
- 10 4. Plaintiff shall file any amended complaint no later than thirty days from the date of this
11 order. Failure to timely file an amended complaint will result in dismissal of this action.

12 DATED: September 23, 2016

13 /s/ John A. Mendez

14 UNITED STATES DISTRICT COURT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28