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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES E. GRIFFIN, II,  
Plaintiff,  
v.  
DOROTHY DOWILLIAMS, et al.,  
Defendants.

No. 2:16-cv-1435 WBS CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On March 23, 2017, the court screened plaintiff's amended complaint, as the court is required to do under 28 U.S.C. § 1915A and found that plaintiff may either proceed on a claim arising under the Eighth Amendment against defendant Dowilliams or file a second amended complaint. On April 20, 2017, plaintiff indicated he will be filing a second amended complaint which is now due May 25, 2017.

When plaintiff filed his amended complaint, he also filed a motion for preliminary injunctive relief. Since plaintiff has elected to file a second amended complaint, his pending motion will be denied without prejudice to plaintiff filing a new motion for preliminary injunctive relief corresponding with the claims presented in his second amended complaint. Plaintiff is informed that the court cannot grant preliminary injunctive relief unless plaintiff states a claim for injunctive relief in his second amended complaint, and until a defendant has appeared in this

1 action and received an opportunity to respond to the request for preliminary injunctive relief. For  
2 these reasons, plaintiff is free to wait to file a motion for preliminary injunctive relief until after  
3 the court has screened plaintiff's second amended complaint and after a defendant has appeared.  
4 Any motion for preliminary injunctive relief filed before a defendant has appeared in this action  
5 may be denied as premature.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's October 24, 2016 motion for  
7 preliminary injunctive relief (ECF No. 17) is denied without prejudice as described above.

8 Dated: May 16, 2017



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10 CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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