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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMAYNE DEON CARROLL,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

No. 2: 16-cv-1759 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On February 27, 2017, the undersigned granted plaintiff a forty-five days extension of time to file an amended complaint. (ECF No. 31.)

On April 10, 2017, plaintiff filed a document titled “Petition/Second Amended Petition.” (ECF No. 38.) This document contains one page of legal briefing. As an exhibit, plaintiff includes briefing, filed most likely in state court, arguing that he is entitled to re-sentencing under California Proposition 36.

Plaintiff’s April 10, 2017 pleading is not an amended complaint. Plaintiff is granted one final opportunity to file an amended complaint on the form provided by the court. Plaintiff is also informed that in a civil rights action, the court is not authorized to order re-sentencing as a remedy. Challenges to the validity of convictions or sentences should be raised in petitions for writs of habeas corpus brought pursuant to 28 U.S.C. § 2254.

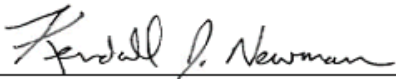
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is granted thirty days from the date of this order to file an amended complaint on the form provided by the court; failure to file an amended complaint will result in dismissal of this action;
2. The Clerk of the Court is directed to send plaintiff the form for a civil rights complaint pursuant to 42 U.S.C. § 1983.

Dated: April 18, 2017

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE