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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE BRYANT,
Plaintiff,
v.
SHASTA COUNTY SHERIFF'S
DEPARTMENT, et al.,
Defendants.

No. 2:16-cv-2147 CKD P

ORDER

Plaintiff is proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has paid the filing fee and has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

On January 5, 2017, the court screened plaintiff's complaint pursuant to 28 U.S.C. §1915A. The next day, plaintiff filed an amended complaint addressing some of the deficiencies identified by the court in the screening order. While plaintiff did not file a motion seeking leave to amend, leave to amend will be granted in the spirit of Federal Rule of Civil Procedure 15(a)(1) which provides for amendment as a matter of course early on in cases to, among other things, cure deficiencies in pleadings once such deficiencies come to the attention of the plaintiff.

Since plaintiff was a prisoner when this action was commenced, and since he seeks relief against governmental officers and employees, the court must screen his amended complaint pursuant to 28 U.S.C. § 1915A. The court has conducted the required screening and finds that

1 plaintiff may proceed on the claims against the defendants identified with two exceptions:
2 plaintiff fails to state a claim upon which relief can be granted under the Fourth Amendment or
3 under the Due Process Clause of the Fourteenth Amendment as alleged by plaintiff in his “First
4 Cause of Action.”

5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Plaintiff’s amended complaint will be accepted as the operative complaint.

7 2. The Clerk of the Court is directed to issue and send plaintiff three summonses. The
8 Clerk shall also send plaintiff three copies of the form “Consent to Proceed Before United States
9 Magistrate Judge.”

10 3. Plaintiff shall complete service of process on defendants within sixty days. Plaintiff
11 shall serve a copy of this order and a copy of the form “Consent to Proceed Before United States
12 Magistrate Judge” on defendants at the time the summons and amended complaint are served.
13 Defendants are informed that they may consent to have this case tried by a United States
14 Magistrate Judge while preserving their right to appeal to the Ninth Circuit Court of Appeals.

15 4. Defendants shall reply to the amended complaint within the time provided in Fed. R.
16 Civ. P. 12(a).

17 5. Plaintiff’s Fourth Amendment and Fourteenth Amendment Due Process Clause claims
18 identified under the heading “First Cause of Action” are dismissed.

19 Dated: March 7, 2017



20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

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